



MIAMI-DADE COUNTY FINAL OFFICIAL Meeting Minutes

Board of County Commissioners

*Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, FL 33128*

**Tuesday, September 1, 2009
As Advertised**

**Harvey Ruvin, Clerk
Board of County Commissioners**

**Diane Collins, Acting, Director
Clerk of the Board Division**

**Alan Eisenberg, Commission Reporter
305-375-2510**



Members Present: Jose "Pepe" Diaz; Audrey M. Edmonson; Carlos A. Gimenez;
Sally A. Heyman; Barbara J. Jordan; Joe A. Martinez; Dennis C.
Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson; Rebeca
Sosa; Javier D. Souto

Members Absent: Bruno Barreiro

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Alan Eisenberg, Commission Reporter*
305-375-2510

1A ROLL CALL

1B MOMENT OF SILENCE

Report: *Chairman Moss called the meeting to order and asked that a moment of silence be observed, followed by the Pledge of Allegiance.*

1C PLEDGE OF ALLEGIANCE

1D SPECIAL PRESENTATIONS

1D1

092346

Special Presentation

Jose "Pepe" Diaz

PRESENTATION TO THE MEMBERS OF OUR FEDERAL
DELEGATION*Presented*

Report: *Commissioner Diaz acknowledged Congressman Kendrick Meek, Congresswoman Ileana Ros-Lehtinen, Congresswoman Debbie Wasserman Schultz, Congressman Lincoln Diaz-Balart, Congressman Mario Diaz-Balart, Senator Bill Nelson, Senator Mel Martinez, and their staffs for their diligent work performed on behalf of the community. He also recognized Federal Legislative Coordinator Eddy Acevedo.*

Chairman Moss expressed appreciation to Commissioner Martinez and the entire Congressional Delegation for their hard work performed for the community. He noted the recent news of Opa Locka Airport being awarded four million dollars in federal funding as a result of their efforts. Chairman Moss also recognized Mr. Joe Rasco and Ms. Misty Brown from the Office of Intergovernmental Affairs (OIG).

Mayor Carlos Alvarez recognized the entire Dade Delegation on behalf of County residents for obtaining federal funding needed to support the community.

Commissioner Heyman recognized Mr. Eric Olafson, OIG Federal Coordinator, for establishing the legislative office in Washington, D.C. that allowed for the County to effectively coordinate its efforts with the Dade Delegation.

Congresswoman Ileana Ros-Lehtinen expressed appreciation to Miami-Dade County and its residents for their recognition of the entire Dade Delegation. She noted it was a joy and privilege being the community voice in Washington, D.C. Congresswoman Ros-Lehtinen also noted that federal support was essential to our community during this difficult economic period; and that the Delegation's success was the result of being unified and working in a bipartisan/nonpartisan manner.

1E

CITIZEN'S PRESENTATIONS (5 MINUTES MAXIMUM)

FINAL OFFICIAL

1E1

092348 Citizen's Presentation**Dennis C. Moss**

MR. BILL SUSSMAN OF THE ALZHEIMER'S ASSOCIATION OF SOUTH FLORIDA RE: THE ANNUAL WALK ON SATURDAY, NOVEMBER 14, 2009 *Presented*

Report: *Mr. Bill Sussman, Board Member, Alzheimer's Association of South Florida, spoke about the upcoming annual Alzheimer's Walk to be held on Saturday, November 14, 2009. He requested the County Commission's support of efforts to publicize the event and encourage participation. Mr. Sussman noted that Alzheimer's disease touches everyone either directly or indirectly. He said that one out of two people over the age of 85 and one out of eight people over the age of 65 years were plagued with Alzheimer's. Mr. Sussman said that the disease had a 100% fatality rate; lasted between two (2) to twenty (20) years; and was a drain on the emotional, physical and financial resources of both the family and community. He noted that Alzheimer's was not a preventable disease, but treatments were available to slow its progression.*

Mr. Sussman noted the purpose of the Association was to support efforts in searching for a cure and provide support to those afflicted with this disease as well as their caregivers. He mentioned the upcoming Miami-Dade Alzheimer's City Competition, which would award a crystal trophy to the municipality with the highest percentage of participants in the walk.

1E2

092349 Citizen's Presentation**Jose "Pepe" Diaz**

DR. PICKARD'S RE: THE 5K MILITARY RUN *Presented*

Report: *Commissioner Diaz introduced Dr. Robert Pickard, retired Colonel, US Army Medical Corp.*

Dr. Pickard spoke about the Eighth Annual 5K Military Run to be held on Sunday, February 7, 2010. He noted this event would honor the military men and women currently serving or having served in any military branch fighting the war on terrorism. Dr. Pickard said approximately 2,000 people were expected to participate in this event and he requested that each commissioner allocate \$2,500 for the event from their discretionary budgets. These funds would be used to increase awareness of the organization and its efforts on behalf of the troops and their families for their military commitment, said Dr. Pickard. He distributed information packages to the commissioners.

Commissioner Diaz emphasized the importance of community support for the military. He noted programs including the Wounded Warrior Project, Operation Brave Kids and the Armed Forces Center were special to him. Commissioner Diaz committed \$5,000 toward the event and encouraged his colleagues to consider making donations.

1E3

092350 Citizen's Presentation

Natacha Seijas

JOHN RIVERA RE: DADE COUNTY PBA TRIBUTE TO THE
FALLEN OFFICERS*Presented*

Report: *Commissioner Seijas said that the entire Commission believed in the reality, pain and need for police officers. She invited Mr. John Rivera, President of Dade County Police Benevolent Association, to present the "Fallen Officer Tribute" in recognition of Miami-Dade County police officers who sacrificed their lives while serving this community.*

Mr. Rivera noted the display in the Stephen P. Clark Center lobby represented 133 fallen police officers, and served as a reminder that law enforcement officers were willing to lay down their lives at any given moment for others to live in peace. Mr. Rivera acknowledged Ms. Ofelia Gonzalez and Ms. Elaine Gonzalez, who were present in the audience, as surviving family members of fallen police officers. This was the first memorial of its kind in the nation, said Mr. Rivera, and he expressed hope that it would become an annual tribute each year in September. The United States Honor Flag, created by Tammy and Chris Heisler of the Honor Network and transported by American Airlines to locations where police officers were killed in the line of duty, would be presented at the opening tribute, said Mr. Rivera.

Mr. Rivera presented a Roll Call of Honor plaque with the names of every Miami-Dade Police Officer who died in the line of duty while serving this community that read: "The Dade County Police Benevolent Association (PBA) shares the sorrow of the families and friends of these officers who lost their lives in the line of duty. We take pride in their courage and vow that they shall never be forgotten."

Chairman Moss acknowledged Commissioner Seijas for her initiative in making the tribute a reality, and expressed his gratitude to the families and officers who put their lives in harms way.

Mayor Alvarez expressed appreciation to Commissioner Seijas, Mr. Rivera and PBA Board members for this tribute. He noted recollections of personal relationships with fallen officers that went beyond just names and shirts depicted in this tribute. Mayor Alvarez also noted the community should never forget the work which law enforcement officers performed every day.

1F

REPORTS OF OFFICIAL BOARDS

1G MOTION TO SET THE AGENDA AND "PULL LIST"

FINAL OFFICIAL

Report: *The following staff members were present at today's meeting: County Mayor Carlos Alvarez, County Manager George Burgess, Assistant County Manager Alina Hudak, County Attorney Robert Cuevas, Assistant County Attorney Jess McCarty, Office of Strategic Business Management (OSBM) Director Jennifer Glazer-Moon; Commission Auditor Charles Anderson, and Deputy Clerks Diane Collins and Alan Eisenberg.*

County Attorney Robert Cuevas advised that in addition to the County Manager's Memorandum entitled "Changes for the September 1, 2009 BCC Meeting," Commissioner Sosa asked to be added as a co-sponsor to Items 7A, 11A5, 11A7, 11A11, and 11A13. He requested that Item 8K1A be added to the Pull List for an amendment; that Agenda Item 14A1 be added to the Pull List; and that Agenda Items 14A2, 14A3, 14A3 Supplement and 14A4 be added to today's agenda and to the Pull List. Mr. Cuevas advised that the appointments to the Health Council of South Florida listed under Agenda Item 15C1 and the appointments to the Community Small Business Enterprise Advisory Board listed under Agenda Item 15C2 must be approved by the Board.

The following additional requests were made: Commissioner Seijas asked that the four-day rule be invoked on Item 14A2. Commissioner Souto asked to be added as a co-sponsor to Item 7A and that he would offer an amendment to Item 7D. Commissioners Diaz, Edmonson and Jordan asked to be added as a co-sponsor to Item 11A5.

Commissioner Martinez asked to release Item 8F1A and his portion of Item 11A9. Commissioner Diaz asked to be added as a co-sponsor to Item 4C. Commissioner Sorenson asked to bifurcate Item 11A16 in order to vote "No".

Chairman Moss noted he had received a memorandum from Commissioner Barreiro advising that he was unable to attend today's meeting and requesting that his Pull List Items be released, and that Item 6B1 be deferred to the September 15th Board of County Commissioners meeting.

County Attorney Cuevas advised that the items to be considered in today's meeting were those listed on the printed final agenda, as well as any additions, deferrals, withdrawals, and scrivener's errors noted in the County Manager's Changes Memorandum or requested by members of the County Commission plus items previously mentioned. He noted the Commission would set the agenda by approving all of those items by a single vote, setting the agenda; except Items specially set by the Chairperson's order of the day which was a Police Benevolent Association dedication in the Lobby of the Stephen P. Clark Center Lobby at 11:00 a.m. and Item 6B2 discussion of the Julia Tuttle Sex Offender Issue, ordinances on first reading, public hearings, policy matters for Board discussion Items 6B1 and 6B2, ordinances on second reading, advisory board appointments 15C1 and 15C2, and the following "Pull List" Items: 8F1A, 8K1A, 11A1, 11A2, 11A7, 11A8, 11A9, 11A10, 11A13, 11A16, 12A2, 14A1, 14A2, 14A3, 14A4, 15C1, and 15C2.

It was moved by Commissioner Heyman that today's agenda be approved with the changes listed in the County Manager's memorandum entitled "Changes for the September 1, 2009 BCC Meeting," along with the additional changes noted by County Attorney Cuevas, and those requested by the Commissioners. This motion was seconded by Commissioner Diaz and upon being put to a vote, passed by a vote of 12 – 0.

1H OFFICE OF COMMISSION AUDITOR

1I OFFICE OF INTERGOVERNMENTAL AFFAIRS

2 MAYORAL ISSUES

2A MAYORAL VETOES

2B MAYORAL REPORTS

2B1

092473 Report Mayor
APPROVAL OF DEPARTMENTAL AGENDA ITEMS *Accepted*

2C OTHER ISSUES

2C1

092366 Proclamation Mayor
PRESENTATION OF A PROCLAMATION TO LIEUTENANT ED HOWETT *Presented*

Report: Mayor Alvarez presented a proclamation to Lieutenant Ed Howett in recognition of thirty-seven (37) years of dedicated service to Miami-Dade County.

3 CONSENT ITEMS

4 ORDINANCES FOR FIRST READING

4A

092266 Ordinance Jose "Pepe" Diaz
ORDINANCE PERTAINING TO ZONING; ESTABLISHING DEFINITION OF COMMUTER COLLEGE; ESTABLISHING REGULATIONS AND ZONING DISTRICTS WHERE PERMITTED; EXEMPTING FROM THE REQUIREMENTS OF PRIVATE COLLEGES AND UNIVERSITIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE *Adopted on first reading
Public Hearing: October 13, 2009
Mover: Jose "Pepe" Diaz
Second: Rebeca Sosa
Vote: 12- 0
Absent: Barreiro*

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Budget, Planning and Sustainability Committee on Tuesday, October 13, 2009 at 2:00 p.m.

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

4B

092258

Ordinance

Joe A. Martinez

ORDINANCE AMENDING SECTION 2-1795 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO PROCEDURES TO BE FOLLOWED IN THE PREPARATION AND ADOPTION OF THE COUNTY'S ANNUAL BUDGET; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: October 13, 2009
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 8- 4
No: Jordan, Rolle, Sosa, Gimenez
Absent: Barreiro

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Budget, Planning and Sustainability Committee on Tuesday, October 13, 2009 at 2:00 p.m.

4C

092306

Ordinance

Natacha Seijas,
Jose "Pepe" Diaz

ORDINANCE ESTABLISHING THE MIAMI-DADE COUNTY COMPENSATION AND BENEFITS REVIEW COMMITTEE FOR THE PURPOSE OF ADVISING THE MAYOR AND THE BOARD OF COUNTY COMMISSIONERS ON MATTERS RELATING TO THE GROWTH FACTORS ASSOCIATED WITH PERSONNEL COSTS; CREATING COMMITTEE MEMBERSHIP; CREATING A NOMINATING COUNCIL; PROVIDING DUTIES AND STAFFING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted on first reading
Public Hearing: October 13, 2009
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Barreiro

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Government Operations Committee on Tuesday, October 13, 2009 at 9:30 a.m.

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

4D

092263

Ordinance

Sen. Javier D. Souto

ORDINANCE AMENDING SECTION 2-1442 OF THE CODE OF MIAMI-DADE COUNTY TO EXEMPT THE EXISTING MEMBERS OF THE SOCIAL AND ECONOMIC DEVELOPMENT COUNCIL FROM THE TERM LIMITATIONS APPLICABLE UNDER SECTION 2-11.38.2(B) OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

*Adopted on first reading
Public Hearing: October 14, 2009
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Barreiro*

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Housing and Community Development Committee on Wednesday, October 14, 2009 at 9:30 a.m.

4E

092373

Ordinance

Joe A. Martinez

ORDINANCE AMENDING CHAPTER 25A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE GOVERNING BOARD OF THE PUBLIC HEALTH TRUST; ADDING A UNION MEMBER AS NON-VOTING, EX OFFICIO MEMBER OF THE BOARD OF TRUSTEES; REMOVING COUNTY MANAGER AS NON-VOTING EX OFFICIO MEMBER OF THE BOARD OF TRUSTEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: October 15, 2009
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Barreiro*

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Health, Public Safety and Intergovernmental Committee on Thursday, October 15, 2009 at 2:00 p.m.

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

4F

092279

Ordinance

Dennis C. Moss,
Jose "Pepe" Diaz,
Audrey M. Edmonson,
Carlos A. Gimenez,
Barbara J. Jordan,
Katy Sorenson

ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT COMMITTEES HAVE JURISDICTION OVER COUNTY BOARDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Adopted on first reading
Public Hearing: October 13, 2009
Mover: Jose "Pepe" Diaz
Seconder: Rebeca Sosa
Vote: 12- 0
Absent: Barreiro*

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Government Operations Committee on Tuesday, October 13, 2009 at 9:30 a.m.

5 PUBLIC HEARINGS (Scheduled for 9:30 a.m.)

5A

092112

Resolution

Rebeca Sosa,
Carlos A. Gimenez

RESOLUTION CO-DESIGNATING NW 37TH AVENUE FROM NW 4TH STREET TO NW 7TH STREET AS "DR. MORAVIA CAPÓ AVENUE"

*Adopted
Resolution R-1064-09
Mover: Rebeca Sosa
Seconder: Sally A. Heyman
Vote: 8- 0
Absent: Jordan, Barreiro,
Gimenez, Martinez, Seijas*

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Chairman Moss opened the public hearing on the foregoing resolution and seeing no one wishing to speak in connection with this resolution, closed the public hearing.

There being no questions or comments, the Commission proceeded to vote.

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

5B

092234 Resolution

RESOLUTION RELATING TO AN APPLICATION BY AMB I-75, LLC, FOR A CLASS IV PERMIT TO IMPACT 67.50 ACRES OF WETLANDS TO CONSTRUCT A COMMERCIAL DEVELOPMENT AND THE ACCEPTANCE OF A RESTRICTIVE COVENANT TO PRESERVE AND ENHANCE 10.45 ACRES OF WETLANDS ON-SITE WEST OF I-75 AND NORTH OF NW 170TH STREET IN SECTION 9, TOWNSHIP 52 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Adopted

Resolution R-1065-09

Mover: Sally A. Heyman

Seconder: Dennis C. Moss

Vote: 11- 0

Absent: Barreiro, Diaz

FINAL OFFICIAL

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Chairman Moss opened the public hearing on the foregoing resolution and seeing no one wishing to speak in connection with this resolution, closed the public hearing.

Commissioner Sorenson inquired about the process involved for excavating a pit in the wetlands and then backfilling the excavation in order to create a new wetlands preserve. She noted she understood that the applicant was seeking to dig a thirty (30) foot deep hole; fill the hole with muck from the wetlands area; and then use excavated rock to build up the area. Commissioner Sorenson said that this practice had been discouraged in Miami-Dade County, except for agricultural applications.

Mr. Carlos Espinosa, Director, Department of Environmental Resources Management, said that fill was being utilized to recreate the wetlands area. He noted that rock mining required the removal of muck and that the subject area consisted of isolated wetlands that had been disturbed; however, were still wetlands. Mr. Espinosa said that an abundance of muck existed in Miami-Dade County and this was not a problem.

Commissioner Sorenson noted she accepted the professional opinion of Mr. Espinosa; however, she indicated that his answer was inconsistent with her understanding of the issue.

Commissioner Sosa expressed concern over the removal of native tree species and whether mitigation was compensatory. She asked for an explanation of the benefit to the County in allowing this construction project to proceed.

Mr. Espinosa said that State law had established mitigation banks that allowed an entity to restore properties, and that the State had established a methodology for evaluating the value of restoring and creating new wetlands, which could create a credit in the mitigation bank. He noted that upon an applicant requesting to impact wetlands, an evaluation process would determine the appropriate compensation that must be purchased out of the mitigation bank. This ensured that through mitigation, the environment was made whole by creating additional wetlands as existing wetlands were impacted.

In response to Commissioner Sosa's inquiry regarding whether native trees were made available to the community in an attempt to preserve them, Mr. Espinosa said that the subject site was not heavily wooded; therefore, it would be impractical to attempt any preservation.

There being no further questions or comments, the Commission proceeded to vote.

5C

092240 Resolution

RESOLUTION RELATING TO AN APPLICATION BY THE CITY OF MIAMI BEACH FOR A CLASS I PERMIT FOR THE EXCAVATION OF ONE HUNDRED TWENTY-FIVE (125) CUBIC YARDS OF UPLAND SEDIMENT AND NINE (9) CUBIC YARDS OF SEDIMENT BELOW THE MEAN HIGH WATER LINE TO CREATE A PUBLIC KAYAK LAUNCH AT PINETREE PARK ON THE INDIAN CREEK WATERWAY, LOCATED AT 4493 PINE TREE DRIVE, MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Adopted
Resolution R-1066-09
Mover: Sally A. Heyman
Seconder: Rebeca Sosa
Vote: 11- 0
Absent: Barreiro, Diaz

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Chairman Moss opened the public hearing on the foregoing resolution and seeing no one wishing to speak in connection with this resolution, closed the public hearing.

There being no questions or comments, the Commission proceeded to vote.

5D

092254 Resolution

RESOLUTION RELATING TO AN APPLICATION BY THE FLORIDA GAS TRANSMISSION COMPANY, LLC, FOR A CLASS I PERMIT TO PROTECT AND COVER 2,200 LINEAR FEET OF SUBMERGED NATURAL GAS PIPELINE SEGMENTS THROUGH THE PLACEMENT OF GEOTEXTILE FABRIC AND CONCRETE MATS, AND TO PLACE 29 CUBIC YARDS OF CLEAN FILL ALONG 2,533 SQUARE FEET OF SUBMERGED LAND FOR SEAGRASS RESTORATION WITHIN BISCAYNE BAY, MIAMI AND MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA (Department of Environmental Resources Management)

Adopted
Resolution R-1067-09
Mover: Sally A. Heyman
Seconder: Dennis C. Moss
Vote: 11- 0
Absent: Barreiro, Diaz

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Chairman Moss opened the public hearing on the foregoing resolution and seeing no one wishing to speak in connection with this resolution, closed the public hearing.

There being no questions or comments, the Commission proceeded to vote.

5E

091979 Resolution

RESOLUTION AUTHORIZING THE SALE OF NINE (9) SINGLE FAMILY HOMES AS AFFORDABLE HOUSING UNITS; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO SET A PRICE BASED ON A BONA-FIDE APPRAISAL WITH A MAXIMUM PURCHASE PRICE OF \$205,000 AND MAKE SUCH UNITS AVAILABLE TO THE LIST OF PRE-QUALIFIED HOME BUYERS MAINTAINED BY THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT (OCED); AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS AFTER APPROVAL BY THE OFFICE OF THE COUNTY ATTORNEY; AND REVISING THE INVENTORY LIST OF AFFORDABLE HOUSING SITES TO INCLUDE SUCH NINE SINGLE FAMILY HOMES [SEE AMENDED ITEM UNDER FILE NO. 100714] (Office of Community and Economic Development)

Amended

Report: *See Agenda Item No. 5E Amended; Legislative File No. 100714*

7/15/2009 Forwarded with a favorable recommendation from the Housing & Community Development Committee

FINAL OFFICIAL

5E AMENDED

100714

Resolution

RESOLUTION AUTHORIZING THE SALE OF NINE (9) SINGLE FAMILY HOMES AS AFFORDABLE HOUSING UNITS; AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO SET A PRICE BASED ON A BONA-FIDE APPRAISAL WITH A MAXIMUM PURCHASE PRICE OF \$205,000 AND MAKE SUCH UNITS AVAILABLE TO THE LIST OF PRE-QUALIFIED HOME BUYERS MAINTAINED BY THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT (OCED); AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS AFTER APPROVAL BY THE OFFICE OF THE COUNTY ATTORNEY AND REVISING THE INVENTORY LIST OF AFFORDABLE HOUSING SITES TO INCLUDE SUCH NINE SINGLE FAMILY HOMES; APPLYING THE AFFORDABILITY CONTROLS OF THE INFILL PROGRAM AS SET FORTH IN AO 3-44; THE MAYOR OR THE MAYOR'S DESIGNEE SHALL RECORD IN THE PUBLIC RECORD ALL EXECUTED DEEDS, MORTGAGES, COVENANTS OR ANY DOCUMENTS CREATING OR RESERVING A REAL PROPERTY INTEREST IN FAVOR OF THE COUNTY; THE MAYOR OR THE MAYOR'S DESIGNEE SHALL PROVIDE COPIES OF ALL RECORDED DOCUMENTS TO THE CLERK OF THE BOARD WITHIN THIRTY DAYS OF EXECUTION; AND DIRECTING THE CLERK OF THE BOARD TO ATTACH AND PERMANENTLY STORE A RECORDED COPY OF ANY INSTRUMENT PROVIDED IN ACCORDANCE HERewith TOGETHER WITH THIS RESOLUTION [SEE ORIGINAL ITEM UNDER FILE NO. 091979] (Office of Community and Economic Development)

Adopted as amended

Mover: Barbara J. Jordan

Seconder: Audrey M. Edmonson

Vote: 12- 0

Absent: Barreiro

FINAL OFFICIAL

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Chairman Moss opened the public hearing on the foregoing resolution and seeing no one wishing to speak in connection with this resolution, closed the public hearing.

Ms. Shalley Jones Horn, Director, Office of Community and Economic Development, read into the record, amendments to the foregoing proposed resolution.

Commissioner Seijas noted her support for this resolution. She said that Commission District 13 was among one of the leading Districts in the County with foreclosures, and asked that District 13 be included in these efforts.

Commissioner Sosa spoke in support of this proposed resolution and noted that District 6 had numerous foreclosures and homelessness issues as well.

In response to Commissioner Sosa's inquiry regarding the funding source for the purchase of homes, Ms. Horn noted that surtax funds would be utilized.

Ms Cynthia Curry, Senior Advisor to the County Manager added that surtax funding, which was generated through the sale of commercial properties, would be utilized.

Commissioner Sosa said that the profits generated through home sales should be set aside to support future affordable housing efforts.

Ms. Curry noted that profits would remain in the surtax funds and used for the purchase of additional housing and to fund additional second mortgages.

Ms. Horn assured Commissioner Sosa that the money would be used to help more people buy homes within the County.

Commissioner Edmonson asked Ms. Horn to explain the rationale behind the \$212,283 price for the property located at 17602 SW 110 Avenue, which exceeded the affordable housing purchase price cap of \$205,000.

Ms. Horn said the \$212,283 price was the 2008 assessed value and the sales price would not exceed the \$205,000 affordable housing purchase price cap.

Commissioner Souto asked Ms. Horn to provide a briefing of the foreclosure meeting which was recently held in Commission District 10 at the West Dade Regional Library. He recommended that these efforts be implemented throughout Miami-Dade County.

There being no further questions or comments, it was moved by Commissioner Jordan that the foregoing proposed resolution be adopted as amended to include the following language on page 1: "Applying the affordability controls of the infill program as set forth in AO 344. The Mayor or the Mayor's designee shall record in the public record all executed deeds, mortgages, covenants or any documents, creating or reserving a real property interest in favor of the County. The Mayor or the Mayor's designee shall provide copies of all recorded documents to the Clerk of the Board within 30 days of execution and directing the Clerk of the Board to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution;" to add the language "The

affordability controls of the County's infill program as set forth in AO 344 shall apply to the homes conveyed pursuant to this resolution" in Section 2; and to add the following language under Section 5: "The Mayor or the Mayor's designee pursuant to resolution #R-974-09 shall record in the public record all deeds, covenants, reverts and mortgages, creating or reserving a real property interest in favor of the County and shall provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. The Board directs the Clerk of the Board, pursuant to resolution #R-974-09 to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution." This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 12-0, (Commissioner Barreiro was absent).

5F

092261 Resolution

RESOLUTION APPROVING THE WAIVER OF PLAT OF THE JOY TRUST, D-23039, LOCATED IN THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 53 SOUTH, RANGE 41 EAST (BOUNDED ON THE NORTH BY APPROXIMATELY NW 99 STREET, ON THE EAST BY APPROXIMATELY NW 22 AVENUE, ON THE SOUTH BY NW 98 STREET, AND ON THE WEST BY APPROXIMATELY NW 23 AVENUE) (Public Works Department)

Adopted
Resolution R-1069-09
Mover: Dorrin D. Rolle
Seconder: Audrey M. Edmonson
Vote: 12- 0
Absent: Barreiro

Report: Assistant County Attorney Jess McCarty read the foregoing proposed resolution into the record.

Chairman Moss opened the public hearing on the foregoing resolution and seeing no one wishing to speak in connection with this resolution, closed the public hearing.

There being no questions or comments, the Commission proceeded to vote.

6A CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS**6B POLICY MATTERS FOR DISCUSSION BY THE BOARD**

6B1

092351 Discussion Item Bruno A. Barreiro

MIAMI-DADE PUBLIC HOUSING AGENCY OFFICE
 LOCATIONS

Deferred to September 15, 2009

Report: The foregoing item was deferred to September 15, 2009.

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

6B2

092388

Discussion Item

Jose "Pepe" Diaz

PRESENTATION BY RON BOOK REGARDING UPDATE ON
THE JULIA TUTTLE SEX OFFENDER ISSUE

Presented

FINAL OFFICIAL

Report: *Mr. Ron Book, Chairman, Miami-Dade County Homeless Trust, provided an update on the issue of homeless sexual predators/offenders living under the Julia Tuttle Causeway. He noted with the cooperation of Commissioner Diaz, tremendous efforts were underway to resolve this issue. He noted he was not unmindful or insensitive to the recent direction given by the Commission to not make any precipitous moves of large groups of offenders and predators from under the Causeway.*

Mr. Book noted approximately 71-124 people were living under the Causeway just one-month ago, and estimated that approximately 44-49 people were currently living under the Causeway today. He indicated that the move to close the encampment was near and that sufficient notice had been provided to the residents. He said that a significant number of people had been placed in other housing facilities by the Trust or relocated on their own. Mr. Book indicated that Commissioner Diaz had been continuously updated on the progress of relocation efforts. He noted that meetings with City of Miami Commissioner Sarnoff, the City's Manager, Intergovernmental and Legal staffs were ongoing in order to maintain open communications regarding the pending litigation and resettlement efforts.

Mr. Book said that no further action had occurred relating to the North Dade Corrections Center being secured for housing the relocated predators / offenders. He noted the Center was a viable option and was among several community locations being considered. Mr. Book said that efforts were underway to ensure that a large group of predators/offenders would not be relocated to any single location. He noted that over 100 multi-family foreclosures and government surplus properties had been evaluated. Additionally, potential locations were identified through recent advertisements in all local newspapers and evaluated by police, parole and probation officials, said Mr. Book. He noted that ample properties were available in the community for everyone currently living under the Causeway.

Mr. Book noted he was frustrated that predators were reluctant to move to or remain in the selected locations. He said that proposed changes to the ordinance would be introduced by Commissioner Diaz that would assist efforts to provide more countywide locations and avoid placing the offenders exclusively at the North Dade Correction Center.

Mr. Book noted conversations had transpired with the Department of Corrections and the Department of Transportation to develop a plan to permanently close the encampment. This would include installing guardrails and fencing around the area to assure that a new encampment could not begin after the closure, said Mr. Book. He noted that it was made clear to the Department of Corrections that allowing individuals to live under the Causeway was not acceptable.

Mr. Book said that relocation efforts were enhanced by the combined efforts of the Homeless Trust, the Miami-Dade County Police Department, the Department of Corrections and Rehabilitation, the County Attorney, and the County Manager.

Commissioner Diaz acknowledged Mr. Book for his dedication provided to the community and the Homeless Trust. He noted that the Commission was anxious to implement an appropriate solution as soon as possible.

Commissioner Jordan expressed appreciation to Mr. Book for his hard work and commitment. She noted her support for an item on today's agenda which

urged the Department of Corrections to sign the discharge agreement. Commissioner Jordan said this agreement provided for inmates to begin working with the Homeless Trust to determine the need for housing assistance 150 days prior to their release. She emphasized the need for relocation efforts to be community-wide and not concentrated in any single location.

Mr. Book responded to Commissioner Jordan's request for information pertaining to the execution of the Discharge Agreement by the Department of Corrections Secretary. He noted the Legislative Delegation needed to receive information on the outcome of today's resolution in order to assist in efforts to help persuade the Secretary of the Department of Corrections to adopt the Discharge Agreement. Mr. Book said that the Agreement was the result of nine months of negotiations with the Department and he believed they were not prepared to adopt a protocol for a discharge plan. He noted that he would communicate today's action of the Commission with the Department of Corrections Secretary and Chief of Staff.

Mr. Book noted the very difficult task of balancing the community's interest in creating a safe community for children versus relocating predators/offenders living in squalor-like conditions to other areas without having a colony of predators living in one place. He noted that those living under the Causeway needed to be seen as victims and that adequate housing was available in the community to ensure everyone had a place to live. Mr. Book said that everyone should be appreciative of the efforts undertaken on their behalf, which would continue until the situation was resolved.

Commissioner Jordan noted it was essential that the State seriously considered the discharge policy. She said that a planned release process was necessary; otherwise, the sexual predator/offender population would not decline as long as others were released without appropriate housing.

7

ORDINANCES SET FOR SECOND READING

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

7A

092175

Ordinance

Jose "Pepe" Diaz,
Audrey M. Edmonson,
Barbara J. Jordan,
Rebeca Sosa,
Carlos A. Gimenez,
Dorrin D. Rolle,
Dennis C. Moss,
Katy Sorenson,
Sen. Javier D. Souto,
Joe A. Martinez

ORDINANCE ESTABLISHING PROCEDURES FOR
PROVIDING PREFERENCE TO LOCAL CERTIFIED SERVICE-
DISABLED VETERAN BUSINESSES IN COUNTY
CONTRACTS; CREATING SECTION 2-8.5.1 OF THE CODE;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER
FILE NO. 091856]

Amended

Report: *See Agenda Item 7A Amended; Legislative File No. 092579*

7/14/2009 *Forwarded to BCC by BCC Chairperson without recommendation with committee
amendment(s) from the Budget, Planning and Sustainability Committee*

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

7A AMENDED

092579

Ordinance

Jose "Pepe" Diaz,
Audrey M. Edmonson,
Carlos A. Gimenez,
Barbara J. Jordan,
Joe A. Martinez,
Dennis C. Moss,
Dorrian D. Rolle,
Katy Sorenson,
Rebeca Sosa,
Sen. Javier D. Souto

ORDINANCE ESTABLISHING PROCEDURES FOR
PROVIDING PREFERENCE TO LOCAL CERTIFIED SERVICE-
DISABLED VETERAN BUSINESSES IN COUNTY
CONTRACTS; CREATING SECTION 2-8.5.1 OF THE CODE;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER
FILE NOS. 092175, 091856]

Adopted as amended
Ordinance 09-68
Mover: Jose "Pepe" Diaz
Seconder: Barbara J. Jordan
Vote: 11- 1
No: Seijas
Absent: Barreiro

FINAL OFFICIAL

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Commissioner Diaz said he felt that disabled veterans who were self-employed in the community deserved additional preference. He noted this proposed ordinance echoed recent legislation of the State of Florida.

Assistant County Attorney Daniel Frastai noted that amended language needed to be added to the foregoing proposed ordinance.

Assistant County Attorney Frastai responded to Commissioner Seijas' inquiry pertaining to the determination of who qualified as a Local Certified Service-Disabled Veteran. He said that a local vendor would qualify pursuant to Section 2-8.5 of the Miami-Dade County Code and must also be a certified disabled veteran enterprise pursuant to State Statute 295.187.

Commissioner Seijas said that this proposed ordinance should apply exclusively to veterans discharged with a disability.

Assistant County Attorney Frastai advised that the requirements for eligibility were: a veteran who was a permanent resident of Florida with a service connected disability of ten-percent or greater as determined by the US Department of Veteran Affairs, or who had been terminated from military service by reason of disability by the US Department of Defense.

Commissioner Seijas said that she would vote against this proposed ordinance because of the ten-percent disability requirement.

Commissioner Diaz noted he was not in the position to make a medical determination of a disability. He noted that current engagements in Iraq and Afghanistan created disabilities that had not been previously experienced; and that the definition and determination of a disability had been established by the US Department of Defense.

In response to Commissioner Jordan's inquiry regarding whether this proposed ordinance superseded the Community Small Business Enterprise (CSBE) program, Ms. Miriam Singer, Director, Department of Procurement Management, said that the CSBE program took precedence over this proposal.

Commissioners Souto and Sosa acknowledged veterans for their contributions to our nation, and indicated their support for this proposal.

There being no further questions or comments, it was moved by Commissioner Diaz that the foregoing proposed ordinance be adopted as amended to add the following language to the end of Section 1(2): "However, if a Local Certified Service-Disabled Veteran Business Enterprise is the lowest bidder as the result of a Best and Final Bid, (also known as a BAFO), then the price submitted as part of the Best and Final Bid shall be the contract price"; and to add Section 4: "In procurements where SBE, (Small Business Enterprises) measures are being applied, a Local Certified Service-Disabled Veteran Business Enterprise, who is also an SBE, shall not receive the veteran preferences provided in this section and shall be limited to any applicable SBE preferences". This motion was seconded by Commissioner Jordan and upon being put to a vote, passed by a vote of 11-1, (Commissioner Seijas voted "no") (Commissioner Barreiro was absent).

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

7B

091880

Ordinance

Jose "Pepe" Diaz

ORDINANCE PERTAINING TO ZONING; AMENDING
SECTION 33-259 OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA; PERMITTING PLANT NURSERY USE WITHIN
UTILITY EASEMENTS AND RAILROAD RIGHTS-OF-WAY IN
IU (INDUSTRIAL ZONING DISTRICTS) SUBJECT TO
CONDITIONS; PROVIDING SEVERABILITY, INCLUSION IN
THE CODE, AND AN EFFECTIVE DATE

Adopted

Ordinance 09-69

Mover: Jose "Pepe" Diaz

Seconder: Barbara J. Jordan

Vote: 11- 0

Absent: Barreiro, Gimenez

FINAL OFFICIAL

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

Commissioner Diaz said that it was important to proceed with approval of this ordinance and that he would sponsor subsequent legislation to address a countywide issue that had recently developed.

Commissioner Sorenson noted a solution would be to delete Section 1(a) so that the farmers, who were experiencing depleted agricultural land, would be able to utilize land under the power lines.

Mr. Marc LaFerrier, Director, Department of Planning and Zoning, said that the Department would embrace the change recommended by Commissioner Sorenson. He noted that another ordinance would be necessary in order to accommodate special conditions that applied to other agricultural properties which utilized utility easements and rights-of-way.

Commissioner Diaz stated and Mr. LaFerrier confirmed that the deletion of Section 1(a) would not affect the intended outcome that the applicant was seeking.

County Attorney Cuevas confirmed that Section 1(a) was the intended language that was recommended for deletion.

Assistant County Manager Alex Munoz agreed with the suggested change as it related to plant nurseries; however, he indicated concern about on-site sales.

Mr. LaFerrier said that the removal of on-site sales would not affect the petitioner. He noted the issue needing to be addressed was related to nurseries that utilized utility rights-of-way for agricultural purposes.

County Attorney Cuevas advised that an incidental use was important under the Comprehensive Development Master Plan (CDMP) and the removal of Section 1(a) based upon the consideration of a specific site could present an issue.

Assistant County Attorney Andrew Boese noted that it was not a problem if the Board was only considering the utility easement. He said that an agricultural use needed to be incidental to another use (educational) as required by the CDMP since the site was located on railroad rights-of-way.

Chairman Moss said that Commissioner Sorenson's request would preclude any for-profit farmers from taking advantage of utility line easements and railroad rights-of-way.

Assistant County Attorney Boese confirmed this to the extent that it would precipitate further ordinances that would allow agricultural uses only in utility easements. He said that to satisfy this site would exclude other things.

Commissioner Diaz requested this proposed ordinance remain as presented and he would initiate additional action in the future to address the issues presented.

Commissioner Sorenson agreed to proceed with this ordinance with incidental use applying only to the railroad and asked that language be drafted to allow other businesses to utilize these appropriate sites.

There being no further questions or comments, the Commission proceeded to vote.

- | | |
|------------------|---|
| 6/30/2009 | <i>Adopted on first reading by the Board of County Commissioners</i> |
| 6/30/2009 | <i>Tentatively scheduled for a public hearing by the Board of County Commissioners to the Budget, Planning and Sustainability Committee</i> |
| 7/14/2009 | <i>Forwarded to the BCC by the BCC Chairperson without recommendation from the Budget, Planning and Sustainability Committee</i> |

7C

**091905 Ordinance Audrey M. Edmonson,
Barbara J. Jordan,
Dennis C. Moss,
Dorrin D. Rolle**

ORDINANCE AMENDING ARTICLE XLVIII OF THE CODE
OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO
METRO-MIAMI ACTION PLAN TRUST, PROVIDING
SEVERABILITY, INCLUSION IN THE CODE AND AN
EFFECTIVE DATE

Adopted
Ordinance 09-70
Mover: Audrey M. Edmonson
Seconder: Barbara J. Jordan
Vote: 12- 0
Absent: Barreiro

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

- | | |
|------------------|---|
| 6/30/2009 | <i>Adopted on first reading by the Board of County Commissioners</i> |
| 6/30/2009 | <i>Tentatively scheduled for a public hearing by the Board of County Commissioners to the Housing & Community Development Committee</i> |
| 7/15/2009 | <i>Forwarded with a favorable recommendation from the Housing & Community Development Committee</i> |

7D

092370 Ordinance Carlos A. Gimenez

ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE BIRD ROAD DESIGN AND INDUSTRIAL ZONING DISTRICT ("BRDI"); CREATING SECTIONS 33-278.5 THROUGH 33-278.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 091924)

Adopted
Ordinance 09-71
Mover: Carlos A. Gimenez
Seconder: Joe A. Martinez
Vote: 12-0
Absent: Barreiro

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

- 7/14/2009** Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

7E

091564

Ordinance

**Sally A. Heyman,
Rebeca Sosa**

ORDINANCE RELATED TO THE COURTS; AMENDING SECTIONS 11-12, 11-13 AND 11-14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING THE SURCHARGE ON CIVIL AND CRIMINAL TRAFFIC INFRACTIONS AND VIOLATIONS TO FUND COURT FACILITIES AND DEBT SERVICE THEREON; PROVIDING AN EXCEPTION FOR INDIGENTS RELATED TO THE COLLECTION OF COURT SURCHARGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted

Ordinance 09-72

Mover: Sally A. Heyman

Seconder: Rebeca Sosa

Vote: 10- 2

No: Martinez, Seijas

Absent: Barreiro

FINAL OFFICIAL

Report: County Attorney Robert Cuevas read the foregoing proposed ordinance into the record.

County Manager George Burgess responded to Commissioner Seijas' inquiry regarding funding allocated to the Children's Courthouse. He advised of an existing \$15 surcharge to supplement filing fees and that an additional \$15 surcharge was now being requested. This new surcharge would fund the required debt service for construction of additional floors necessary to house all agencies under one roof, said County Manager Burgess. He noted this dedicated revenue stream was necessary in order to not obligate the General Fund.

Ms. Wendi Norris, Director, General Services Administration, said that construction documents were pending permits and the project would be placed for bid in the near future.

County Attorney Cuevas advised Commissioner Seijas that the additional \$15 surcharge was to pay principal and interest on the bonds for the construction of the Children's Courthouse and other related expenses.

County Manager Burgess responded to Commissioner Seijas that the additional bonds would not be a burden to taxpayers. He said that the additional revenue would be sufficient to pay the bond debt necessary to fully fund the courthouse without obligating the General Fund.

County Attorney Cuevas responded to Commissioner Seijas' request about criminal fines charged under Section 318.117. He said these fines were imposed upon any conviction, plea of nolo contendere or finding of guilt for a traffic infraction.

Commissioner Seijas expressed concern that the burden would be on the community. She said she could not support imposing additional fines considering today's economic condition. She noted the Children's Courthouse should have been built many years ago when funding was available.

Commissioner Heyman noted that both the Commission and the Dade Delegation supported the adoption of State Legislative Article 5 relating to capital improvement projects tied to fines and fees; and that its language protected bonds and funds committed to the construction of the Courthouse. As a result, a funding source was identified for the courthouse that would not require additional money from the tax base, she noted. Commissioner Heyman also noted the decision to build an all-inclusive facility to house the State Attorney, Public Defender and Guardian Ad-Litem offices contributed to the additional financial burden. Commissioner Heyman said that Chief Judge Joel Brown, the new Chief Judge for Miami-Dade County Circuit Court and former Chief Judge Joseph Farina were present at the previous Health, Public Safety and Intergovernmental Committee meeting and spoke about the \$70 million shortfall. A request for additional funding that would remain in Miami-Dade County was a legislative priority supported by the Dade Delegation in last year's session, she noted. Commissioner Heyman said that as a result of this legislation, the entire \$15 assessment would remain exclusively in Miami-Dade County. Commissioner Heyman also noted language was included that stated those unable to pay would not be assessed this charge. She noted efforts would be introduced to sunshine this legislation once the building was constructed and the obligations paid.

FINAL OFFICIAL

Commissioner Sorenson noted the need for this facility and suggested those who did not want to pay the fines should obey the traffic laws. She also suggested including a community service provision for the indigent who were unable to pay the additional fine.

Commissioner Sosa noted her support for this proposed ordinance because 1) the State Legislature had realized that money generated in Miami-Dade County needed to remain in the County; 2) the funding would benefit a needed cause; and 3) the fees would not affect the indigent since they did not have cars and were not creating traffic problems.

Commissioner Gimenez requested examples of "other costs related to the Children's Courthouse" as indicated in the last paragraph of Section 11-12.

Assistant County Attorney Jess McCarty noted this language referred to items such as equipment and furnishings and other items directly related to the facility. He said that the State Statute did not allow for any of the funding to be allocated to operational expenses.

Commissioner Martinez pointed out that drivers' registration and licensing fees had doubled in price, effective today (09/01). He said that many people, although indigent, drove cars and received food stamps. Commissioner Martinez noted the majority of traffic offenses were civil infractions, and that adding an additional \$15 to the present \$89.50 fee, currently assessed for civil infractions, was excessive.

Commissioner Diaz said that the Children's Courthouse had been a need of the community for a long time. He asked for clarification about the project's history.

Ms. Jennifer Glazer-Moon, Office of Strategic Business Management (OSBM) Director, explained that originally, the Children's Courthouse project was fully funded. She noted that the State Attorney, Public Defender and Guardian Ad-Litem offices were to be housed in the newly constructed Overtown II Tower, which was located one block away from the Courthouse site. Ms. Glazer-Moon indicated that the State Attorney, Public Defender and the Chief Judge previously appeared before the Commission, expressing the desire that their offices be located within the Courthouse building. She noted the Commission adopted this request resulting in a project cost increase of approximately \$70 million and anticipated that the project would be funded through future financing. The \$15 surcharge was necessary in order to pay the debt service required to fund the construction costs, otherwise funding would need to be appropriated from the General Fund, said Ms. Glazer-Moon.

Commissioner Diaz noted his support for the foregoing proposed ordinance, indicating he would rather assess traffic tickets than obligate the General Fund.

In response to Commissioner Gimenez' inquiry, Ms. Glazer-Moon responded that the Overtown II Tower was built to original specifications even though the State Attorney, Public Defender and the Guardian Ad-Litem offices would no longer be housed in that facility. She noted other County offices that were leasing office space would be relocated into this facility to save on rental expenses.

Commissioner Gimenez asked Ms. Glazer-Moon to provide an analysis of the

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

savings that would be realized by relocating other County offices from leased office space to the newly constructed Overtown II Tower.

Ms. Glazer-Moon noted the savings realized by relocating leased offices to this facility should have no affect on the decision being voted upon today. She said the adoption of the \$15 surcharge would allow \$6.5 million to remain in the General Fund to be utilized for other needed services.

There being no further questions or comments, the Commission proceeded to vote.

6/2/2009 *Adopted on first reading by the Board of County Commissioners*

6/2/2009 *Tentatively scheduled for a public hearing by the Board of County Commissioners to the Health, Public Safety & Human Services Committee*

7/16/2009 *Forwarded with a favorable recommendation from the Health, Public Safety & Intergovernmental Cmte*

7F

092226

Ordinance

Barbara J. Jordan

ORDINANCE RELATING TO ZONING; MODIFYING VOTE REQUIREMENTS TO DELETE OR MODIFY DECLARATIONS OF RESTRICTIVE COVENANTS SUBMITTED IN CONNECTION WITH ZONING APPLICATIONS; CREATING SECTION 33-313.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 091887] *Amended*

Report: *(See Agenda Item 7F Amended, Legislative File No. 100305).*

7/14/2009 *Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee*

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

7F AMENDED

100305

Ordinance

Barbara J. Jordan

ORDINANCE RELATING TO ZONING; MODIFYING VOTE REQUIREMENTS TO DELETE OR MODIFY DECLARATIONS OF RESTRICTIVE COVENANTS SUBMITTED IN CONNECTION WITH ZONING APPLICATIONS; CREATING SECTION 33-313.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 092226)

Adopted as amended

Ordinance 09-73

Mover: Barbara J. Jordan

Seconder: Audrey M. Edmonson

Vote: 9- 3

No: Gimenez, Martinez, Diaz

Absent: Barreiro

Report: *Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.*

At the request of the sponsor, Commissioner Jordan, Assistant County Attorney Joni Armstrong-Coffey read into the record, an amendment to this proposed ordinance

It was moved by Commissioner Jordan that the foregoing proposed ordinance be adopted as amended to include the following sentence to Section 4: "The provision of this ordinance shall not apply to any zoning application filed with the Department of Planning and Zoning prior to the effective date". This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 9-3, (Commissioners Diaz, Gimenez and Martinez voted "no") (Commissioner Barreiro was absent).

7G

091855

Ordinance

Joe A. Martinez

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; SETTING FORTH CONSEQUENCES OF A TIE VOTE ON AN ITEM CONSIDERED AT COMMITTEE AND COUNTY COMMISSION MEETINGS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted

Ordinance 09-74

Mover: Joe A. Martinez

Seconded: Natacha Seijas

Vote: 6- 4

No: Jordan, Sosa, Sorenson, Souto

Absent: Edmonson, Barreiro, Moss

Report: Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.

Commissioner Sorenson suggested this ordinance be amended in subsection (q), page 5, entitled RECONSIDERATION, to allow for a reconsideration of a tie vote.

Commissioner Martinez noted this ordinance was the result of a previous Commission action which repeatedly resulted in a tie vote. He noted that he would be open to any suggestions from the Commission for an appropriate action.

Discussion ensued between Assistant County Attorney Cynthia Johnson-Stacks and the Commissioners pertaining to the rules and procedures that apply to a motion for reconsideration.

County Attorney Robert Cuevas clarified that a tie vote would not necessarily result in a failed vote since the item could be moved as amended, deferred, or additional motions could be introduced on the item. He explained that a defeat would occur when the Commission did not exercise an alternative motion prior to the next agenda item being called.

Commissioner Martinez noted this foregoing proposed ordinance should remain as presented.

There being no further questions or comments, the Commission proceeded to vote.

- 6/30/2009 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Government Operations Committee
- 6/30/2009 Adopted on first reading by the Board of County Commissioners
- 7/14/2009 Forwarded to BCC with a favorable recommendation from the Government Operations Committee

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

7H

092140

Ordinance

Joe A. Martinez

ORDINANCE AMENDING SECTION 33-19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR PERMANENT DONATION COLLECTION BINS ON IMPROVED PROPERTY OWNED BY A CHARITY AND PROVIDING FOR BUFFERING, SET BACKS AND PERMIT REQUIREMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 090795 & 092056]

Adopted

Ordinance 09-75

Mover: Joe A. Martinez

Seconder: Natacha Seijas

Vote: 10- 0

Absent: Edmonson, Barreiro, Moss

Report: Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

7/14/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee

7I

092227

Ordinance

Natacha Seijas

ORDINANCE RELATING TO ZONING; MODIFYING NOTICE REQUIREMENTS AND PROCEDURES FOR APPLICATIONS TO EXTEND EXPIRATION DATES, BUILD-OUT DATES AND PHASING DEADLINES IN CERTAIN PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDERS AND RELATED ZONING ACTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 091883]

Amended

Report: See Agenda Item 7I Amended; Legislative File No. 100086

7/14/2009 Forwarded to BCC with a favorable recommendation with committee amendment(s) from the Budget, Planning and Sustainability Committee

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

71 AMENDED

100086

Ordinance

Natacha Seijas

ORDINANCE RELATING TO ZONING; MODIFYING NOTICE REQUIREMENTS AND PROCEDURES FOR APPLICATIONS TO EXTEND EXPIRATION DATES, BUILD-OUT DATES AND PHASING DEADLINES IN CERTAIN PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDERS AND RELATED ZONING ACTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 091883 AND 092227]

Adopted as amended

Ordinance 09-76

Mover: Natacha Seijas

Seconder: Joe A. Martinez

Vote: 10-0

Absent: Edmonson, Barreiro, Moss

Report: Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.

Assistant County Attorney Joni Armstrong-Coffey noted a scrivener's error needed to be corrected in order to make this ordinance internally consistent; and read the amendment into the record.

It was moved by Commissioner Seijas that the foregoing proposed ordinance be adopted as amended to replace in three places, *Developments of Regional Impact (DRI) extension deadlines "by three years or less"* with *"for the maximum period of time declared by State law not to constitute a substantial deviation from the existing developmental order"* at Section 1 (D) (2), handwritten page 5; Section 2 (d) (1), handwritten page 6; and Section 3 (A) (9), handwritten page 7. This motion was seconded by Commissioner Martinez, and upon being put to a vote, passed by a vote of 10-0, (Commissioners Barreiro, Edmonson and Chairman Moss were absent).

There being no further questions or comments, the Commission proceeded to vote.

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

7J

091734

Ordinance

Natacha Seijas

ORDINANCE PERTAINING TO COUNTY DEPARTMENTS AND BUSINESSES; CREATING SECTION 2-2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA REQUIRING THE USE OF THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) BY COUNTY DEPARTMENTS TO CLASSIFY BUSINESSES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Adopted

Ordinance 09-77

Mover: Natacha Seijas

Seconder: Barbara J. Jordan

Vote: 9- 1

No: Sorenson

Absent: Edmonson, Barreiro, Moss

Report: Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.

Commissioners Jordan and Sosa noted costs to implement this proposed ordinance were necessary; however, a savings would be realized after its implementation.

There being no further questions or comments, the Commission proceeded to vote.

6/30/2009 Adopted on first reading by the Board of County Commissioners

6/30/2009 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Budget, Planning and Sustainability Committee

7/14/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee

7J SUPPLEMENT

092470

Supplement

SUPPLEMENT TO FISCAL IMPACT STATEMENT REQUIRING THE USE OF THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) BY COUNTY DEPARTMENTS TO CLASSIFY BUSINESSES

Presented

7K

091852

Ordinance

ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO BETTY K. AGENCIES (USA), LLC & BEST RATE MORTGAGE CORPORATION, A NEW BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE (Office of Community and Economic Development)

Adopted

Ordinance 09-78

Mover: Barbara J. Jordan

Seconder: Katy Sorenson

Vote: 10- 0

Absent: Edmonson, Barreiro, Moss

Report: Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

6/30/2009 Tentatively scheduled for a public hearing by the Board of County Commissioners to the Housing & Community Development Committee

6/30/2009 Adopted on first reading by the Board of County Commissioners

7/15/2009 Forwarded with a favorable recommendation from the Housing & Community Development Committee

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

7L

091853 Ordinance

ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO LIBERTY ACADEMY DAYCARE AND PRESCHOOL, LLC, A NEW BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE (Office of Community and Economic Development)

*Adopted
Ordinance 09-79
Mover: Dorrin D. Rolle
Seconder: Jose "Pepe" Diaz
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss*

Report: Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

- 6/30/2009** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Housing & Community Development Committee
- 6/30/2009** Adopted on first reading by the Board of County Commissioners
- 7/15/2009** Forwarded with a favorable recommendation from the Housing & Community Development Committee

7M

091854 Ordinance

ORDINANCE GRANTING 50% MUNICIPAL UTILITY SALES TAX EXEMPTION ON ELECTRICAL USE TO RSJ INVESTMENT, INC., (RSJI) D/B/A CHEVRON A BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF SALES TAX EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE (Office of Community and Economic Development)

*Adopted
Ordinance 09-80
Mover: Rebeca Sosa
Seconder: Natacha Seijas
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss*

Report: Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

- 6/30/2009** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Housing & Community Development Committee
- 6/30/2009** Adopted on first reading by the Board of County Commissioners
- 7/15/2009** Forwarded with a favorable recommendation from the Housing & Community Development Committee

7N

090550 Ordinance

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS PERTAINING TO THE DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT ("DKUCD"), AMENDING SECTIONS 33-284.56 THROUGH 33-284.63 AND SECTION 33-314, CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Department of Planning & Zoning)

*Adopted
Ordinance 09-81
Mover: Carlos A. Gimenez
Seconder: Barbara J. Jordan
Vote: 10- 0
Absent: Edmonson, Barreiro, Moss*

Report: Assistant County Attorney Jess McCarty read the foregoing proposed ordinance into the record.

There being no questions or comments, the Commission proceeded to vote.

- 3/17/2009** Tentatively scheduled for a public hearing by the Board of County Commissioners to the Budget, Planning and Sustainability Committee
- 3/17/2009** Adopted on first reading by the Board of County Commissioners
- 4/14/2009** Deferred by the Budget, Planning and Sustainability Committee
- 7/14/2009** Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee

8 DEPARTMENTAL ITEMS

8A thru 8E (No items were submitted for these sections.)

8F GENERAL SERVICES ADMINISTRATION

8F1A

092049 Resolution

RESOLUTION APPROVING THE FORM AND TERMS AND AUTHORIZING THE EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF THE LICENSE AGREEMENT BY AND AMONG MIAMI-DADE COUNTY, FLORIDA EAST COAST RAILWAY, L.L.C. AND BASKETBALL PROPERTIES, LTD. RELATED TO THE INSTALLATION AND MAINTENANCE OF A PEDESTRIAN WALKWAY ADJACENT TO THE AMERICAN AIRLINES ARENA; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN (General Services Administration Department)

*Adopted
Resolution R-1070-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro*

- 7/14/2009** Forwarded to BCC with a favorable recommendation from the Government Operations Committee

8G thru 8J (No items were submitted for these sections.)

8K OFFICE OF COMMUNITY & ECONOMIC DEVELOPMENT

8K1A

091978 Resolution

RESOLUTION APPROVING THE RECOMMENDATION OF *Amended*
SURTAX FUNDING FOR THE MIAMI-DADE COUNTY
REQUEST FOR APPLICATIONS (RFA) FY 2009 MID YEAR
CYCLE UPON COMPLETION OF A SUBSIDY LAYERING
REVIEW AND SUBJECT TO THE DEVELOPER'S FINANCIAL
VIABILITY AS DETERMINED UPON COMPLETION OF THE
SUBSIDY LAYERING REVIEW; AND FURTHER
AUTHORIZING THE COUNTY MAYOR OR THE COUNTY
MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY
AGREEMENTS (Office of Community and Economic
Development)

Report: See Agenda Item No. 8K1A Amended; Legislative File No. 092852

7/15/2009 Forwarded with a favorable recommendation from the Housing & Community Development Committee

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

8K1A AMENDED

092852

Resolution

RESOLUTION APPROVING THE RECOMMENDATION OF SURTAX FUNDING FOR THE MIAMI-DADE COUNTY REQUEST FOR APPLICATIONS (RFA) FY 2009 MID YEAR CYCLE UPON COMPLETION OF A SUBSIDY LAYERING REVIEW AND SUBJECT TO THE DEVELOPER'S FINANCIAL VIABILITY AS DETERMINED UPON COMPLETION OF THE SUBSIDY LAYERING REVIEW; AND FURTHER AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS [SEE ORIGINAL ITEM UNDER FILE NO. 091978] (Department of Housing and Community Development)

Adopted as amended

Resolution R-1071-09

Mover: Dorrin D. Rolle

Seconder: Rebeca Sosa

Vote: 8- 2

No: Heyman, Martinez

*Absent: Edmonson, Barreiro,
Moss*

FINAL OFFICIAL

Report: Ms. Shalley Jones Horn, Director, Office of Community and Economic Development, requested the foregoing proposed resolution be amended to defer awarding Projects No. 1 (Solabella) and No. 2 (Villa Capri II), listed on handwritten page 13, until the November 17, 2009 Commission meeting.

Senior Advisor to the County Manager Cynthia Curry asked that the Commission proceed with award recommendations for Projects No. 3 through No. 10 and defer Projects No. 1 and No. 2 to address foreclosure related issues.

Commissioner Jordan asked Ms. Horn to ensure that program resource recommendations remain within Commission District 1.

Commissioner Sosa asked Ms. Horn to provide a report on Surtax funding allocations for each Commission District.

Ms. Horn responded to Commissioner Martinez's inquiry regarding whether due diligence had been performed on developers who requested a local minimum contribution of \$300,000 to compete for the tax credits listed in Exhibit 1. She noted the funding was for developers to apply to the Florida Housing Finance Corporation for tax credits. Ms. Horn said that due diligence would be performed by the State upon receipt of this application and the County would conduct its due diligence after the State's process was completed.

Commissioner Martinez noted that he would not support these funding recommendations due to previous adverse issues the County had experienced with several applicants relating to the terms and conditions of agreements not adhered to and amendments to those agreements becoming necessary.

In response to Commissioner Souto's inquiry regarding efforts being taken by the County to address the foreclosure issue, Ms. Horn noted the County received \$62 million in funding from the Neighborhood Stabilization Program through the Community Development Block Grant (CDBG) and received \$187,000 Stimulus Funding that supported foreclosure prevention counseling. She also noted the County's pending applications for an additional \$162 million funding. Ms. Horn offered to meet with Commissioner Souto to discuss ideas that would address the foreclosure issue. She noted additional County efforts included: preparing 311 operators to accept phone calls from residents; having the Community Action Agency provide foreclosure assistance through its sixteen (16) outreach offices; and establishing contracts with four (4) counseling agencies to provide foreclosure prevention counseling.

Commissioner Souto asked Ms. Curry to utilize Miami-Dade TV to promote foreclosure awareness, prevention, services and resources available in the County.

Commissioner Heyman inquired about the due diligence process that had been conducted on the principals of the proposed developments before allocations were considered.

Ms. Curry explained that applications would initially be submitted to the Florida Housing Finance Corporation and recipients would be selected through a lottery process. She noted the due diligence process was performed after this initial approval process, and monetary awards were contingent upon

FINAL OFFICIAL

the County's financial review of the firm.

Ms. Horn noted that receiving financial disclosures from all projects, developers and principals of the parent company would be helpful in making future award decisions.

Commissioner Heyman asked Assistant County Attorney Jess McCarty to provide a consolidated listing of previous issues with development firms requesting County funding; cross referenced by applicants' names; along with full disclosure of principals' names; d/b/a names, and any other pertinent criteria.

Commissioner Jordan inquired about the rationale behind the County funding 100-percent of all the recommendations.

Ms. Curry explained that often, a developer would return to request additional surtax funds. She noted that placing 100-percent of the project funding at the front-end of the project would allow it to proceed more expeditiously.

Commissioner Jordan expressed concern that under this method, developers would secure all funding that was allotted to the project up-front, and leave little funding to allocate to additional projects. She said that additional funding was based upon availability and that another source of funding would be necessary if money was not available. Commissioner Jordan noted by funding 100-percent, a precedent would be established, for which the developers could argue that this allocation could not be denied.

Ms. Horn responded that gap financing provided additional funding to developers to make up the shortages. She noted the Subsidy Layering Review process would establish exact funding amounts for the project, which could be lower than the requested amount.

Commissioner Jordan requested that the language for each of the projects be amended to reflect "up to." Commissioner Rolle accepted this friendly amendment made by Commissioner Jordan.

Commissioner Jordan noted that Tower Road Gardens was actually located in Commission District 1 and listed incorrectly as District 8 in this item.

Ms. Horn responded that the address listed was the location of the Developer's office rather than the location of the actual property. She noted that this was an oversight and that the property addresses would be corrected.

Commissioners Jordan, Seijas and Diaz requested Ms. Curry to disclose the construction location addresses rather than the principal developer's office locations.

Commissioner Diaz noted that he was not comfortable voting on this item without having knowledge of the specific locations for the projects.

Commissioner Rolle said that he supported proceeding with this resolution with the understanding that the Administration would provide the requested details pertaining to project locations later.

Commissioner Seijas recommended the motion be amended to reflect "contingent on the receipt of the appropriate project construction addresses." This friendly amendment was accepted by Commissioner Rolle.

It was moved by Commissioner Rolle that the foregoing proposed resolution be adopted as amended to: 1) defer award recommendations on Projects one (Solabella) and two (Villa Capri II), on handwritten page 13, to the Board of County Commissioners' Meeting to be held on November 17, 2009; 2) reflect the new language "to approve funding recommendations up to;" and 3) approve "contingent upon receipt of actual project construction addresses." This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 8-2, (Commissioners Heyman and Martinez voted "no") (Commissioners Barreiro, Edmonson and Chairman Moss were absent).

8K1A SUPPLEMENT

092472 Supplement

SUPPLEMENTAL INFORMATION RE: THE FY 2009
DOCUMENTARY SURTAX MID YEAR RFA CYCLE

Presented

8L (No items were submitted for these sections.)
thru
8R

9 ADDITIONAL DEPARTMENTAL ITEMS

9A1

092026 Resolution

RESOLUTION RETROACTIVELY AUTHORIZING THE
COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO
APPLY FOR, RECEIVE, AND EXPEND FEDERAL FUNDS
FROM THE STATE CRIMINAL ALIEN ASSISTANCE
PROGRAM FOR THE PURPOSE OF REIMBURSING THE
COUNTY FOR COSTS INCURRED FOR THE IMPRISONMENT
OF UNDOCUMENTED CRIMINAL ALIENS; AND TO FILE
AND EXECUTE NECESSARY AMENDMENTS TO THE
APPLICATION (Corrections & Rehabilitation Department)

Adopted
Resolution R-1072-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro

7/16/2009 Forwarded with a favorable recommendation from the Health, Public Safety &
Intergovernmental Cmte

10 AUTHORITIES, BOARDS, COUNCILS AND TRUSTS11 COUNTY COMMISSION11A RESOLUTIONS

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

11A1

092147

Resolution

Carlos A. Gimenez.

RESOLUTION ESTABLISHING A POLICY REQUIRING THAT
THE COUNTY'S INTERNAL AUDITOR PERIODICALLY
HAVE AN EXTERNAL PEER REVIEW OR QUALITY REVIEW
ASSESSMENT [SEE ORIGINAL ITEM UNDER FILE NO.
091953]

Adopted

Resolution R-1073-09

Mover: Carlos A. Gimenez

Seconder: Joe A. Martinez

Vote: 10- 0

*Absent: Edmonson, Barreiro,
Moss*

FINAL OFFICIAL

Report: Commission Auditor Charles Anderson responded to Commissioner Seijas' request pertaining to the external peer review that was conducted on the Commission Auditor's Office. He noted that the review was performed approximately three months ago; that the report had already been distributed to the Commission; and that a copy of the report would be provided to her today.

Commissioner Gimenez noted the review was presented to the Budget and Finance Committee and he believed copies were also received by the entire Commission.

In response to Commissioner Jordan's question pertaining to audit standards, Ms. Cathy Jackson, Director, Audit and Management Services (AMS), noted the Department voluntarily adhered to applicable portions of the Governmental Accounting Standards (GAS), promulgated by both the General Accounting Office (GAO) and the Institute of Internal Auditors (IIA). Ms. Jackson said that compliance to these standards was voluntary, and that reports prepared by the Department did not mention adherence to these standards from a risk management standpoint. She noted that GAS were regularly adhered to by external auditors; however, internal auditors rarely complied with these requirements due to independence standards.

Commissioner Jordan inquired whether there was any legal issue related to adherence to these standards, although not referenced in audit reports completed by the Department.

Ms. Jackson said that a discussion with the County Attorney was warranted considering her opinion that the Department could not comply with the standards promulgated by the GAO. In reference to the IIA requirements, Ms. Jackson noted that because reports were subject to intensive scrutiny, such inclusion would suggest the lack of compliance and would discredit the report. She noted that it was common practice within the industry to omit adherence standards in reports even though there was voluntary compliance with those standards.

Ms. Jackson advised Commissioner Jordan that among 89,000 governmental jurisdictions in the United States, only 300 were affiliated with the organization that conducted peer reviews for local governments and only 70 of those jurisdictions actually participated in a peer review within the previous three years. She noted that the Department was not opposed to a peer review; however, she did not believe the time required preparing for and conducting the review added any value to the organization. Ms. Jackson indicated the distraction associated with a peer review was unnecessary since the Department was currently dealing with the loss of staff positions while focusing its attention on pending litigation matters. She noted that it required months of preparation for a peer review and questioned the amount of substantive analysis that could be obtained through a one-week review. Ms. Jackson said the review would be limited considering that Departmental audit reports did not indicate adherence to the standards.

Commissioner Jordan expressed concern over the time necessary for AMS to complete its audits. She questioned the rationale behind the Department assigning a staff position to the State Attorney's Office while it was losing six staff positions thus affecting its ability to efficiently conduct and complete audits. Commissioner Jordan noted she felt the peer review process was necessary in order to regain the confidence of the community.

FINAL OFFICIAL

In response to Commissioner Diaz's inquiry, Ms. Jackson noted that she was not opposed to the peer review; however, the Department did not need the distraction of this process considering the current workload and commitment to the three cases that involved litigation. Ms. Jackson noted that she was not concerned with the quality of work performed by AMS; that the peer review process was not required for internal auditors; and that it would be a problem obtaining individuals to conduct a peer review since the Department did not cite adherence to independence standards in its reports.

Commissioner Diaz inquired about the rationale behind standards being applicable to County departments and outside agencies, but not to the AMS. He noted that the Judge associated with the Wackenhut case commented that the County did not maintain the same standards that applied to everyone else. Commissioner Diaz emphasized that the County needed to abide by the same standards that were established for others.

In response to Commissioner Seijas' request for an appropriate timeframe in which the peer review could be completed, Ms. Jackson responded that Fiscal Year (FY) 2010-11 would be an acceptable timeframe.

Commissioner Gimenez clarified that the resolution called for the peer review to be conducted within 2010; therefore the review could be completed during the first quarter of FY 2010-11.

Ms. Jackson agreed to proceed with the AMS peer review during the first quarter of FY 2010-11.

There being no further questions or comments, the Commission proceeded to vote.

- 7/14/2009** Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Budget, Planning and Sustainability Committee
- 7/21/2009** Carried over by the Board of County Commissioners
- 7/23/2009** Deferred by the Board of County Commissioners

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

11A2

092267

Resolution

Sally A. Heyman

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ALLOW PROCEEDS FROM THE EXISTING \$5 SURCHARGE ON CIVIL PENALTIES FOR VIOLATING ANIMAL CONTROL AND CRUELTY ORDINANCES TO BE USED FOR ANIMAL SHELTER OPERATING EXPENSES

Adopted

Resolution R-1074-09

Mover: Sally A. Heyman

Seconder: Dorrin D. Rolle

Vote: 9- 1

No: Seijas

Absent: Edmonson, Barreiro, Moss

Report: *Commissioner Rolle inquired about the effect the foregoing proposed resolution would have on the General Fund.*

Commissioner Heyman noted she was unaware of any additional savings that would be realized through this proposal due to the recently adopted 44-percent reduction in funding for animal services. She said this resolution urged the Florida Legislature to expand the scope of the legislation so that proceeds of the surcharge could be utilized for operating expenses rather than training expenses.

There being no further questions or comments, the Commission proceeded to vote.

11A3

092034

Resolution

Barbara J. Jordan,

Dorrin D. Rolle,

Sen. Javier D. Souto

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENSURE THAT ADKER TYPE SAFEGUARDS ARE INCORPORATED IN ALL COUNTY-ADMINISTERED HOUSING PROGRAMS

Adopted

Resolution R-1075-09

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 12- 0

Absent: Barreiro

7/15/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Housing & Community Development Committee

7/21/2009 Carried over by the Board of County Commissioners

7/23/2009 Deferred by the Board of County Commissioners

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

11A4

091612**Resolution**

**Joe A. Martinez,
Jose "Pepe" Diaz,
Sally A. Heyman,
Dorrin D. Rolle**

RESOLUTION URGING FLORIDA LEGISLATURE AND THE
FLORIDA PUBLIC SERVICE COMMISSION TO ENACT
LEGISLATION OR RULES REQUIRING ELECTRIC UTILITIES
TO REACTIVATE A CUSTOMER'S ELECTRIC SERVICE
DISCONNECTED FOR NON-PAYMENT WITHIN TWELVE
HOURS OF CUSTOMER PAYING THE OUTSTANDING
BALANCE OR OTHERWISE RESOLVING THE REASON FOR
THE SERVICE BEING DISCONNECTED

Deferred to October 6, 2009

Report: *The foregoing proposed resolution was deferred to October 6, 2009.*

6/30/2009 *Deferred by the Board of County Commissioners*

11A5

092259**Resolution**

**Joe A. Martinez,
Sally A. Heyman,
Rebeca Sosa,
Audrey M. Edmonson,
Jose "Pepe" Diaz,
Barbara J. Jordan,
Dorrin D. Rolle**

RESOLUTION URGING CONGRESS TO INCREASE FEDERAL
REIMBURSEMENTS TO JACKSON HEALTH SYSTEM FOR
ITS EXISTING RESIDENCY PROGRAM

*Adopted
Resolution R-1076-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro*

11A6

092245**Resolution**

**Dennis C. Moss,
Dorrin D. Rolle**

RESOLUTION URGING CONGRESS AND THE FLORIDA
LEGISLATURE TO PASS LEGISLATION PROHIBITING THE
USE OF CREDIT SCORES FOR AUTOMOBILE INSURANCE
UNDERWRITING

*Adopted
Resolution R-1077-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro*

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

11A7

092320

Resolution

**Dennis C. Moss,
Rebeca Sosa,
Jose "Pepe" Diaz**

RESOLUTION URGING CONGRESS AND THE U.S.
DEPARTMENT OF DEFENSE TO LOCATE THE U.S. AFRICA
COMMAND (AFRICOM) AT HOMESTEAD AIR RESERVE
BASE OR SOME OTHER SUITABLE SITE IN MIAMI-DADE
COUNTY

*Adopted
Resolution R-1078-09
Mover: Katy Sorenson
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss*

11A8

092063

Resolution

Natacha Seijas,
Bruno A. Barreiro

RESOLUTION AMENDING RESOLUTION NO. R-541-09 TO ELIMINATE THE PREVIOUSLY-ESTABLISHED CAP ON THE MAXIMUM AMOUNT OF FUNDING THAT ANY ONE COMMUNITY-BASED ORGANIZATION MAY REQUEST IN RESPONSE TO THE 2009-2010 HUMAN AND SOCIAL SERVICES COMMUNITY-BASED ORGANIZATIONS FUNDING REQUEST FOR PROPOSAL ("RFP"); AND REINFORCING THAT REGARDLESS OF THE REQUEST, NO SINGLE COMMUNITY-BASED ORGANIZATION WILL RECEIVE MORE THAN ONE MILLION DOLLARS IN FUNDING THROUGH THIS RFP PROCESS

Adopted

Resolution R-1079-09

Mover: Natacha Seijas

Seconder: Barbara J. Jordan

Vote: 10- 0

Absent: Edmonson, Barreiro, Moss

Report: *Commissioner Sorenson expressed concern that the one million dollar funding cap applied to only one service provider, who successfully implemented many specialized programs for the Juvenile Assessment Center (JAC). She noted these programs became national models for providing functional family therapy, dealing with habitual offenders, and working with children under 12 years of age. She also noted although the intent of the cap was to assure funding was allocated to more than just a few organizations, it did not make sense concerning this particular provider. Commissioner Sorenson suggested a friendly amendment to remove the one million dollar funding cap so that these specialized services could continue to be provided and that it be evaluated on a case-by-case basis.*

In response to Commissioner Gimenez' request, Commissioner Seijas, clarified that pursuant to the resolution, an organization could request more than one million dollars; however, it could not receive funding for more than that amount. She explained that with Social Services, an agency usually received much less funding than it requested. Commissioner Seijas said that she was uncomfortable with accepting Commissioner Sorenson's suggested amendment to remove the funding cap because it would be going against the will and recommendations of the Advisory Board, and she felt that she would be overstepping her boundaries by doing so.

Mr. Daniel Wall, Director, Office of Grants Coordination, confirmed the recommendation of the Advisory Board as stated by Commissioner Seijas. He said that the Board consisted of at least one appointee of each County Commissioner and approximately eight at-large members by virtue of being a major donor.

Commissioner Sorenson asked Assistant County Attorney Jess McCarty to draft legislation addressing the Advisory Board's decision making process pertaining to the one million dollar funding cap.

There being no further questions or comments, the Commission proceeded to vote.

7/15/2009 Forwarded to the BCC by the BCC Chairperson with a favorable recommendation from the Housing & Community Development Committee

7/21/2009 Carried over by the Board of County Commissioners

7/23/2009 Deferred by the Board of County Commissioners

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

11A9

091433

Resolution

Katy Sorenson

RESOLUTION WAIVING RESIDENCY REQUIREMENT OF
SECTION 2-11.38, CODE OF MIAMI-DADE COUNTY TO
APPOINT KAREN HOLLIS TO SMALL BUSINESS
ENTERPRISE ADVISORY BOARD

Deferred to September 15, 2009

Mover: Katy Sorenson

Seconder: Rebeca Sosa

Vote: 8- 2

No: Martinez, Seijas

*Absent: Edmonson, Barreiro,
Moss*

Report: Assistant County Attorney Jess McCarty advised that the foregoing
proposed resolution required nine affirmative votes for adoption.

Commissioner Sorenson asked that this resolution be deferred to the Board of
County Commissioners meeting to be held on September 15, 2009.

There being no further questions or comments, the Commission proceeded to
vote on a motion to defer this resolution.

6/9/2009 Forwarded to BCC with a favorable recommendation from the Budget, Planning and
Sustainability Committee

6/30/2009 Carried over by the Board of County Commissioners

7/2/2009 Deferred by the Board of County Commissioners

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

11A10

091836

Resolution

Katy Sorenson

RESOLUTION OPPOSING THE PLANNED ROUTE FOR FPL
TRANSMISSION LINES ALONG U.S. 1; URGING FPL TO
IDENTIFY ALTERNATE ROUTES OR CONSTRUCT
TRANSMISSION LINES UNDERGROUND TO MINIMIZE THE
ADVERSE IMPACTS ON COMMUNITIES ALONG U.S. 1

Deferred to October 6, 2009

Mover: Katy Sorenson

Seconder: Rebeca Sosa

Vote: 7- 3

No: Souto, Diaz, Seijas

*Absent: Edmonson, Barreiro,
Moss*

FINAL OFFICIAL

Report: Commissioner Sosa noted her primary concern was related to the residential areas of the County and the fiscal impact of this resolution. She questioned whether information was available that detailed the County's contribution.

Assistant County Manager Alex Munoz noted that Florida Power and Light (FPL) had provided cost estimates according to its interpretation of State law and that he would defer to an FPL representative to provide additional details. He noted that according to FPL, the County would be required to pay all costs if the foregoing proposed resolution was adopted.

Assistant County Attorney John McInnis responded to Commissioner Gimenez' concern about the process for future discussions with FPL, should the foregoing proposed resolution adopting the planned transmission lines route fail. He noted that adopting this resolution would not preclude any future conversations with FPL.

In response to Commissioner Gimenez' inquiry regarding the status of utilizing the Metrorail easement for placement of transmission lines, Mr. Munoz explained that the Metrorail corridor was an option. He noted today's decision was to approve the corridor, and the construction process would be determined later. Mr. Munoz also noted that this was something FPL had already proposed. He said that the County was currently in the process of determining the completeness and consistency of the application.

Mr. McInnis responded to Commissioner Gimenez' request pertaining to the deadline required for the County to make a final decision on the proposed transmission route. He said that this was a lengthy process and that a preliminary statement of issues had already been submitted which analyzed consistency of the proposal with local ordinances and regulations. Mr. McInnis noted the precise date was pending the receipt of complete information from FPL; therefore a specific date could not be determined at this time. He said the last opportunity for the Commission to direct the Administration prior to filing the final report would be by the end of January 2010.

Mr. Munoz further explained the deadline to submit a second response for completeness to the State was September 3, 2009. He noted that completeness was a process where the State determined that sufficient information was received in order to determine consistency. The date for consistency determination could change within a 30-day window based upon whether or not the State considered sufficient information had been received, said Mr. Munoz.

Commissioner Gimenez noted he did not have sufficient information to make a determination and requested whether an additional 30-day period was available for this information to be obtained.

Mr. McInnis said that the deadline for the County to propose an alternative corridor was October 8, 2009.

Mr. Munoz noted the deadline was 30-days after September 3, 2009 for consistency to be due unless it was found not to be complete and a new timetable would go into effect. He said if the application was complete according to the State, the 30-day period would begin. Mr. Munoz noted the initial application was not complete and information was currently being analyzed in order to submit the second response.

FINAL OFFICIAL

Commissioner Jordan noted her concern with eliminating the proposed planned route along US 1 as an option. She said that power lines should be placed underground in all communities in the future.

Commissioner Sorenson clarified the resolution specified opposition to the planned construction of above ground transmission lines. She noted her support for buried transmission lines along US 1 in order to protect property values and long-term plans for the corridor. Commissioner Sorenson also noted that the County should not assume that it would be obligated for the payment of construction costs for buried lines.

Commissioner Diaz said that the process needed to proceed and that it should not be delayed over discussions whether residents would be paying for the improvements.

Mr. Munoz responded to Commissioner Jordan's inquiry pertaining to the parties who would be responsible for paying for underground transmission lines. He noted that pursuant to State law, the party that benefited would be required to pay, otherwise, the party that requested the improvement was responsible for payment.

Mr. Mark LaFerrier, Director, Department of Planning and Zoning, concurred with Mr. Munoz's assessment of the responsible party's obligation. He noted a recent public meeting where the Department of Environmental Protection verified that the party which benefited would be responsible for the costs. Mr. LaFerrier said there could be a subsequent process to determine who benefited and by how much.

Commissioner Sorenson asked that this proposed resolution be deferred to the Board of County Commissioners meeting to be held on October 6, 2009 to accommodate Commissioner Gimenez' request for additional information.

Commissioner Seijas indicated that urging FPL to identify alternate routes would be unacceptable to any Commissioner since the result might be to re-route transmission lines through their Districts.

Commissioner Gimenez agreed with the request for deferral as well as comments made by Commissioner Seijas. He said that transmission lines would automatically be routed along US 1 unless the resolution was deferred. Commissioner Gimenez noted there was strength in numbers and agreeing to transmission lines along US 1 affected only two Commission Districts rather than all thirteen. He said that more information was needed on payment for underground lines and/or whether the lines would be integrated with the Metrorail easement.

Commissioner Martinez asked Assistant County Manager Munoz to provide a report outlining the costs associated with the maintenance and operation of Florida Power and Light's electrical transmission lines both underground and overhead.

There being no further questions or comments, the Commission proceeded to vote.

6/30/2009 Carried over by the Board of County Commissioners

7/2/2009 Deferred by the Board of County Commissioners

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

- 7/14/2009 Forwarded to the BCC by the BCC Chairperson without recommendation from the Budget, Planning and Sustainability Committee
- 7/21/2009 Carried over by the Board of County Commissioners
- 7/23/2009 4 Day Rule Invoked by the Board of County Commissioners

11A11

**092264 Resolution Katy Sorenson,
Rebeca Sosa**

RESOLUTION URGING CONGRESS TO PASS S. 373,
H.R. 2811 OR SIMILAR LEGISLATION PROHIBITING THE
IMPORTATION OF PYTHON GENERA

*Adopted
Resolution R-1080-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro*

11A12

**092268 Resolution Rebeca Sosa,
Sally A. Heyman**

RESOLUTION URGING THE FLORIDA LEGISLATURE, THE
GOVERNOR AND THE COMMISSIONER OF THE FLORIDA
DEPARTMENT OF EDUCATION TO CHANGE THE STATE'S
POLICY RELATED TO THE FCAT AND SCHOOLS FOR
CHILDREN HOSPITALIZED AND HOMEBOUND FIGHTING
ILLNESSES AND DISORDERS SO THAT THESE SCHOOLS
ARE NOT AT RISK OF CLOSING BECAUSE OF FCAT SCORES

*Adopted
Resolution R-1081-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro*

11A13

**092356 Resolution Jose "Pepe" Diaz,
Rebeca Sosa,
Carlos A. Gimenez,
Sally A. Heyman**

RESOLUTION URGING THE FLORIDA OFFICE OF
INSURANCE REGULATION TO CONTINUE TO REJECT ANY
REQUEST FROM PROPERTY INSURANCE COMPANIES TO
ELIMINATE DISCOUNTS FOR HURRICANE SHUTTERS AND
OTHER HURRICANE MITIGATION EFFORTS BY
HOMEOWNERS; URGING GOVERNOR CHARLIE CRIST,
FLORIDA'S CABINET AND THE FLORIDA LEGISLATURE
TO CONTINUE TO KEEP MEANINGFUL DISCOUNTS IN
PLACE FOR HURRICANE MITIGATION EFFORTS

*Adopted
Resolution R-1082-09
Mover: Joe A. Martinez
Seconder: Jose "Pepe" Diaz
Vote: 9- 0
Absent: Rolle, Edmonson,
Barreiro, Moss*

Report: *There being no questions or comments, the Commission proceeded to vote.*

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

11A14

092355

Resolution

Sally A. Heyman

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION PROVIDING TAX COLLECTORS WITH ADDITIONAL TOOLS TO COLLECT ON DELINQUENT TANGIBLE PERSONAL PROPERTY TAXES

Adopted

Resolution R-1083-09

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 12- 0

Absent: Barreiro

11A15

092377

Resolution

Barbara J. Jordan

RESOLUTION URGING THE SECRETARY OF THE FLORIDA DEPARTMENT OF CORRECTIONS TO ENTER INTO A MEMORANDUM OF AGREEMENT SETTING FORTH DISCHARGE PLANNING POLICIES AMONG AGENCIES THAT DISCHARGE INDIVIDUALS WHO ARE HOMELESS OR AT RISK OF BEING HOMELESS AND MIAMI-DADE COUNTY THROUGH ITS HOMELESS TRUST; URGING THE GOVERNOR TO SUPPORT THE AGREEMENT AND ENCOURAGE THE CORRECTIONS SECRETARY TO ENTER INTO IT

Adopted

Resolution R-1084-09

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 12- 0

Absent: Barreiro

11A16

092376

Resolution

Audrey M. Edmonson

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 3 AND DISTRICT 3 OFFICE BUDGET FUNDS

Adopted

Resolution R-1085-09

Mover: Audrey M. Edmonson

Seconder: Jose "Pepe" Diaz

Vote: 11- 1

No: Sorenson

Absent: Barreiro

Report: *Commissioner Sorenson requested to bifurcate this proposed resolution to vote separately on approving an allocation to the People United to Lead Struggle for Equality (PULSE).*

There being no further questions or comments, the Commission proceeded to vote.

11A17

092385

Resolution

Carlos A. Gimenez

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF DISTRICT 7

Adopted

Resolution R-1086-09

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 12- 0

Absent: Barreiro

FINAL OFFICIAL*Board of County Commissioners**Meeting Minutes**Tuesday, September 1, 2009*

11A18

092307**Resolution****Joe A. Martinez**

RESOLUTION RESCINDING PREVIOUS FY 2008-2009
ALLOCATION OF DISCRETIONARY RESERVE FUNDS OF
DISTRICT 11 AND ALLOCATING FY 2008-2009 DISTRICT
DISCRETIONARY RESERVE FUNDS OF DISTRICT 11

Adopted
Resolution R-1087-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro

11A19

092357**Resolution****Dorrin D. Rolle**

RESOLUTION APPROVING THE ALLOCATION OF FY 2008-
2009 DISTRICT DISCRETIONARY RESERVE FUNDS OF
DISTRICT 2

Adopted
Resolution R-1088-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro

11A20

092341**Resolution****Natacha Seijas**

RESOLUTION RESCINDING PREVIOUS FY 2008-2009
ALLOCATION OF DISCRETIONARY RESERVE FUNDS OF
DISTRICT 13 AND ALLOCATING FY 2008-2009 DISTRICT
DISCRETIONARY RESERVE FUNDS OF DISTRICT 13

Adopted
Resolution R-1089-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro

11A21

092352**Resolution****Rebeca Sosa**

RESOLUTION RESCINDING PREVIOUS FY 2008-2009
ALLOCATION OF DISTRICT 6 OFFICE BUDGET FUNDS

Adopted
Resolution R-1090-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro

11A22

092354**Resolution****Rebeca Sosa**

RESOLUTION RESCINDING PREVIOUS FY 2008-2009
ALLOCATION OF DISCRETIONARY RESERVE FUNDS OF
DISTRICT 6 AND ALLOCATING FY 2008-2009 DISTRICT
DISCRETIONARY RESERVE FUNDS OF DISTRICT 6

Adopted
Resolution R-1091-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro

11 B ADDITIONAL BUDGET ALLOCATIONS

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

11B1

092491 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 1)

Approved
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 9- 0
Absent: Edmonson, Barreiro,
Sorenson, Moss

Report: *The following funding allocations were made from fiscal year (FY) 2008/09 District 1 Discretionary Reserve funds as requested by Commissioner Jordan.*

\$500 to Lake Steven Cardinal Youth Foundation (in support of the Third Annual Barbara Jordan Bowl)

\$500 to Optimist Club of Golden Glades (in support of the Third Annual Barbara Jordan Bowl)

For the record, Commissioner Jordan stipulated that during the April 21, 2009, Board of County Commissioners' Meeting, she was inadvertently charged twice for the following allocation: The total allocation should have been \$2,500.00 to the Cuban Mosaic Event, as opposed to \$5,000.00.

For the record, Commissioner Jordan asked to rescind the \$250.00 allocation that was made on July 21, 2009, to Miami Carol City PTSA and reallocate \$250.00 to the Miami Carol City Senior High School (for janitorial services provided to District 1 Foreclosure Prevention Workshop)

For the record, Commissioner Jordan asked to rescind the \$225.00 allocation that was made on May 5, 2009, to Omega Psi Phi Fraternity.

11B2

092492 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 2)

Approved
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 9- 0
Absent: Edmonson, Barreiro,
Sorenson, Moss

Report: *The following funding allocation was made from fiscal year (FY) 2008/09 District 2 Discretionary Reserve Funds as requested by Commissioner Rolle.*

\$6,500 to The Foundation for Democracy in Africa

11B3

092493 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 4)

Approved

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 9- 0

*Absent: Edmonson, Barreiro,
Sorenson, Moss*

Report: *The following funding allocations were made from fiscal year (FY)
2008/09 District 4 Discretionary Reserve Funds as requested by
Commissioner Heyman.*

\$1,200 to March of Dimes

\$500 to New Theatre

\$1,000 to Village of Biscayne Park Foundation

\$1,200 to Voices for Children Foundation, Inc.

\$250 to Alzheimer's Association

\$1,000 to Humane Society of Greater Miami Adopt-A-Pet

11B4

092494 Report

ALLOCATION OF (FY) 2008/09 DISTRICT DISCRETIONARY
RESERVE FUNDS (DISTRICT 12)

Approved

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 9- 0

*Absent: Edmonson, Barreiro,
Sorenson, Moss*

Report: *The following funding allocations were made from fiscal year (FY)
2008/09 District 12 Discretionary Reserve Funds as requested by Vice-
Chairman Diaz.*

\$5,000 to Voices for Children

\$400 to Cuban American Veterans Association

\$3,500 to Here's Help, Inc.

\$5,000 to Armed Forces Service Center

\$5,000 to Tribute to Military 5k Run

11C

REPORTS

12

COUNTY MANAGER

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

12A1

092128 Resolution

RESOLUTION AMENDING R-1411-08 WHICH ESTABLISHED
USER FEES OF THE MIAMI-DADE COUNTY HEALTH
DEPARTMENT (County Manager)

Adopted
Resolution R-1092-09
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro

*7/16/2009 Forwarded with a favorable recommendation from the Health, Public Safety &
Intergovernmental Cmte*

7/21/2009 Carried over by the Board of County Commissioners

7/23/2009 Deferred by the Board of County Commissioners

12A2

092378 Resolution

RESOLUTION AUTHORIZING SETTLEMENT WITH
ECONOMY PARTY AND TENT RENTAL, INC. IN THE
AMOUNT OF \$37,500 TO SETTLE A PRE-SUIT BREACH OF
CONTRACT CLAIM IN REGARDS TO A TENT RENTAL
CONTRACT; AND AUTHORIZING THE COUNTY MAYOR OR
MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER
RIGHTS CONFERRED THEREIN (County Manager, County
Attorney)

Amended

Report: *See Agenda Item No. 12A2 Amended; Legislative File No. 100713*

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

12A2 AMENDED

100713

Resolution

RESOLUTION AUTHORIZING SETTLEMENT WITH ECONOMY PARTY AND TENT RENTAL, INC. IN THE AMOUNT OF \$37,500 TO SETTLE A PRE-SUIT BREACH OF CONTRACT CLAIM IN REGARDS TO A TENT RENTAL CONTRACT; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (SEE ORIGINAL ITEM UNDER FILE NO. 092378) (County Manager, County Attorney)

Adopted as amended

Resolution R1093-09

Mover: Joe A. Martinez

Seconder: Rebeca Sosa

Vote: 10- 0

*Absent: Edmonson, Barreiro,
Moss*

FINAL OFFICIAL

Report: *It was moved by Commissioner Sorenson that the foregoing proposed resolution be adopted.*

Commissioner Sosa inquired whether County departments used secondary vendors in order to obtain a lower cost.

Assistant County Manager Alex Munoz responded that the Department incorrectly secured lower price quotes from other vendors.

Commissioner Sosa noted problems with the County procurement process. She said that prices to purchase items under approved vendor contracts were higher than could otherwise be obtained. Commissioner Sosa indicated that the procurement process needed to be reevaluated in order to achieve cost savings for the County.

Assistant County Attorney Oren Rosenthal responded to Commissioner Sosa's inquiry regarding the contract with Economy Party and Tent Rental, Inc. (EPTR) and informed her that it remained effective.

In response to Commissioner Sosa's inquiry, Ms. Miriam Singer, Director, Department of Procurement Management, indicated that the EPTR contract, which was the subject of this settlement, expired in July 2008 and that a current contract was awarded in February 2009 and expires in January 2014. Ms. Singer noted an audit, in cooperation with the Finance Department, was conducted and determined the County was responsible for an inconsistent use with the method of award.

Commissioner Sosa asked Assistant County Manager Munoz to provide information on whether the Commission was advised of the pending pre-suit breach of contract claim at the time that EPTR was awarded another County contract through 2014. She also requested an itemized breakdown of County departments that utilized tents, excluding the Parks and Recreation Department.

Mr. Munoz responded to Commissioner Sosa's inquiry about the fiscal impact of this settlement. He noted that settlement payments would be debited from the budgets of respective departments that utilized alternative vendors.

Commissioner Jordan noted the Administration needed the opportunity to obtain alternative price quotes in order to save money. She requested clarification from the County Attorney regarding whether the Procurement Ordinance could be amended to allow for the certification of businesses within certain categories so that the Administration could obtain lower prices. Commissioner Jordan said that the County needed to consider alternative methods of doing business in the future.

Mr. Rosenthal responded that there were procurement mechanisms available where a pool contract could be created under the current ordinance to obtain spot quotes.

Ms. Singer noted that the procurement process allowed for a pre-qualification pool of vendors for specific groups of items purchased by the County. She stated that when individual departments had specific needs, a mini-competition would be conducted among these vendors to obtain the best price. Ms. Singer noted that spot market competitions allowed the County to deviate from the primary vendor in order to obtain the best possible price. She stated that an award must remain with the vendor once a commitment was

FINAL OFFICIAL

made to follow the method of award and the contract was awarded by the Commission.

Commissioner Jordan said that the opportunity to price shop appeared to have disappeared once the award had been made to the vendor with the best price. She noted that this would eliminate the possibility for departments to price shop in order to obtain lower prices.

Ms. Singer responded that it would be unfair to award a County contract to a firm that had not made a financial investment and fully participated in the compliance process required by the bid process.

Commissioner Jordan asked Ms. Singer to meet with her to discuss the established procurement procedures to ensure that the procurement process was being properly followed.

Ms. Singer indicated that upon receipt of the complaint, the Procurement Department reviewed the order and schedule of the award. She noted a meeting was held with end users and directors of affected Departments to review this situation and the structure of the existing contract. Ms. Singer said that an award sheet was created for all contracts which identified the pricing consistent with the method advertised in the solicitation to ensure fairness to the awarded vendor. She spoke of ongoing communication with departmental procurement liaisons through meetings that were held six times per year to provide guidance and information about how to follow the process with a fair minded approach to contract options. Ms. Singer said that this process allowed for a fair process and ensured participation in order to obtain good deals by those who chose to participate in the competitive process.

Ms. Singer noted the company which provided the services had participated in the initial award competition. The method of award was restructured for this contract to allow for spot market competitions, said Ms. Singer.

Commissioner Sorenson noted the County's requirement that vendors comply with the established social policies resulted in additional costs for its purchases.

In response to Commissioner Gimenez' inquiry, Ms. Singer noted the \$37,500 settlement included \$23,483.65 for actual work performed by the vendor who was not awarded the contract.

Commissioner Gimenez noted that he could support a settlement where the vendor was reimbursed for lost profit; however, he was not comfortable with paying for services that were not performed. He suggested that the settlement be renegotiated to include only lost profit.

The motion made by Commissioner Sorenson on the foregoing resolution died due to the lack of a second.

It was then moved by Commissioner Martinez that the foregoing proposed resolution be adopted as amended to proceed with the settlement and to offer a settlement for only the lost profit. This motion was seconded by Commissioner Sosa, and upon being put to a vote, passed by a vote of 10-0, (Commissioners Barreiro, Edmonson and Chairman Moss were absent).

12B1

092030 Report

REPORT TO THE BOARD OF COUNTY COMMISSIONERS
ON THE PUBLIC HEALTH TRUST'S AUDITED FINANCIAL
RESULTS FOR FISCAL YEAR ENDING SEPTEMBER 30TH,
2008 (County Manager)

Accepted
Mover: Sally A. Heyman
Seconder: Jose "Pepe" Diaz
Vote: 12- 0
Absent: Barreiro

7/16/2009 Report Received by the Health, Public Safety & Intergovernmental Cmte

13 COUNTY ATTORNEY

14 ITEMS SUBJECT TO 4-DAY RULE

14A1

092246 Resolution Dennis C. Moss

RESOLUTION EXPRESSING SUPPORT FOR THE
DEVELOPMENT OF A HIGH-SPEED INTERCITY
PASSENGER RAIL SYSTEM IN FLORIDA

Adopted
Resolution R-1094-09
Mover: Barbara J. Jordan
Seconder: Jose "Pepe" Diaz
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss

Report: *There being no questions or comments, the Commission proceeded to vote.*

14A2

092464 Resolution

RESOLUTION AUTHORIZING COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO TERMINATE INTEREST
RATE SWAPS WITH RICE FINANCIAL PRODUCTS
COMPANY/AFFILIATED ENTITIES THAT ARE INSURED BY
AMBAC INDEMNITY CORPORATION RELATED TO
CERTAIN WATER AND SEWER BONDS, CONVENTION
DEVELOPMENT TAX BONDS AND BAC FUNDING
CORPORATION BONDS IN ORDER TO MINIMIZE
POTENTIAL ECONOMIC LOSS TO COUNTY; DELEGATING
AUTHORITY WITHIN CERTAIN PARAMETERS TO COUNTY
MAYOR OR COUNTY MAYOR'S DESIGNEE TO SELECT
NEW COUNTERPARTY(S) FOR EACH TERMINATED
INTEREST RATE SWAP AFTER COMPETITIVE SELECTION
PROCESS AND TO ENTER INTO RELATED AGREEMENTS;
AND AUTHORIZING COUNTY OFFICIALS TO TAKE ALL
ACTIONS NECESSARY TO ACCOMPLISH SUCH PURPOSES
(Finance Department)

4 Day Rule Invoked

Report: *Commissioner Seijas invoked the 4 Day Rule on this proposed resolution.*

14A3

092475

Resolution

Rebeca Sosa,
Sally A. Heyman

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO CEASE THE PURCHASE
OF FURNITURE BY COUNTY DEPARTMENTS FOR A
PERIOD OF ONE YEAR FROM THE DATE OF ADOPTION OF
THIS RESOLUTION

4 Day Rule Invoked

Report: Assistant County Attorney Daniel Frastai noted an amendment to the foregoing proposed resolution to add the language: "as the two economic engines of Miami-Dade County both of which are currently undergoing capital expansion programs, Miami International Airport and the Port of Miami are excluded from the provisions of this resolution" at the end of the last paragraph on handwritten page 3, after the language which reads: "upon written request of the Mayor."

It was moved by Commissioner Sosa that the foregoing proposed resolution be adopted as amended with the language as read by Assistant County Attorney Frastai. This motion was seconded by Commissioner Martinez.

Commissioner Sosa noted that expenditures for furniture were in excess of \$22,000 per day based upon an average of the previous two years, excluding capital project purchases. She said that the elimination of furniture purchases would assist the County in balancing its budget.

Commissioner Sosa responded to Commissioner Seijas' inquiry pertaining to whether furniture purchases for the Children's Courthouse if built, would be excluded from the General Fund. She noted at the appropriate time when the Courthouse was built, a waiver process existed for the Commission to approve specific needed items. Commissioner Sosa also responded to the request for information about the rationale for excluding both the Airport and the Seaport from this resolution. She explained that the Airport did not receive support from the General Fund and noted she was unaware of the reason for excluding the Seaport.

County Manager George Burgess added that the Seaport was a self-supporting operation which derived its revenue from fees and did not receive support from the General Fund. He noted the majority of funding for its furnishings was included in either self-supporting operations or capital (bond) funded projects. Mr. Burgess noted that furniture necessary for construction projects were not taken from the operating budget. He noted that the budget for FY 2009-10 included approximately \$1.9 million for furniture purchase from the operating budget and approximately \$300,000 from the General Fund.

Commissioner Jordan invoked the 4 Day Rule on this proposed resolution.

14A3
SUPP
LEME
NT

14A4

092476

Resolution

Rebeca Sosa

RESOLUTION REQUESTING CEO OF PUBLIC HEALTH TRUST TO UPDATE THE FEASIBILITY STUDY PERFORMED PURSUANT TO RESOLUTION NO. R-458-06 TO EVALUATE COST SAVINGS ALTERNATIVES FOR THE PROVISION OF HEALTH CARE SERVICES FOR INMATES IN THE CUSTODY OF MIAMI-DADE COUNTY'S CORRECTIONS AND REHABILITATION DEPARTMENT

Adopted

Resolution R-1095-09

Mover: Rebeca Sosa

Seconder: Sally A. Heyman

Vote: 10- 0

Absent: Edmonson, Barreiro, Moss

Report: *There being no questions or comments, the Commission proceeded to vote.*

15

CLERK OF THE BOARD

15B

REPORTS

15B1

092361

Report

PROPOSED PUBLIC HEARING DATES FOR ORDINANCES SUBMITTED FOR FIRST READING ON SEPTEMBER 1, 2009 (Clerk of the Board)

Accepted

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 12- 0

Absent: Barreiro

15B2

092362

Report

COUNTY COMMISSION MINUTES FOR APPROVAL BY THE BOARD
JANUARY 22, 2009 (REGULAR MEETING)
APRIL 7, 2009 (REGULAR MEETING)
APRIL 21, 2009 (REGULAR MEETING)
MAY 6, 2009 (CDMP)
MAY 28, 2009 (CDMP)
JUNE 4, 2009 (ZONING MEETING)
JUNE 19, 2009 (SPECIAL MEETING OF THE BCC)
JULY 23, 2009 (SPECIAL MEETING OF THE BCC) (Clerk of the Board)

Approved

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 12- 0

Absent: Barreiro

15B3

092363

Report

PROPOSED BOUNDARY CHANGE TO THE CITY OF DORAL (Clerk of the Board)

Accepted

Mover: Sally A. Heyman

Seconder: Jose "Pepe" Diaz

Vote: 12- 0

Absent: Barreiro

15C

COUNTY ADVISORY BOARD APPOINTMENTS

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

15C1

092364 Report

REAPPOINTMENT OF MEMBERS TO THE HEALTH
COUNCIL OF SOUTH FLORIDA, INC.
MELVYN FLETCHER, MD
FERMIN LEGUEN, MD
JOSE PERDOMO, MHSA, JD
EDWARD ROSASCO (Clerk of the Board)

Appointed
Mover: Joe A. Martinez
Seconder: Dorrin D. Rolle
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss

15C2

092365 Report

APPOINTMENT OF MEMBER TO THE COMMUNITY SMALL
BUSINESS ENTERPRISE ADVISORY BOARD
KURT DYER (Clerk of the Board)

Appointed
Mover: Joe A. Martinez
Seconder: Dorrin D. Rolle
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss

15C3

092882 Report

APPOINTMENT OF TAISHA M. TAYLOR, ESQUIRE TO THE
COMMISSION FOR WOMEN

Appointed
Mover: Natacha Seijas
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss

Report: *The Board of County Commissioners accepted the foregoing
appointment read into the record by Commissioner Rolle.*

15C4

092883 Report

REAPPOINTMENT OF RAFAEL PEREZ TO THE CITIZENS
TRANSPORTATION ADVISORY COMMITTEE

Appointed
Mover: Natacha Seijas
Seconder: Sally A. Heyman
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss

Report: *The Board of County Commissioners accepted the foregoing
reappointment read into the record by Commissioner Sosa.*

15C5

100743 Report

APPOINTMENT OF WALTER LEBOWITZ TO COMMUNITY
COUNCIL NO. 7, SUB. AREA NO. 72A

Appointed
Mover: Joe A. Martinez
Seconder: Dorrin D. Rolle
Vote: 10- 0
Absent: Edmonson, Barreiro,
Moss

Report: *The Clerk of the Board of County Commissioners received the appropriate memorandum for the foregoing appointment of Walter Lebowitz made by Commissioner Sally A. Heyman.*

15D COUNTY ADVISORY BOARD APPOINTMENTS BY BALLOT

15E MAYOR'S REQUEST FOR ALLOCATIONS FROM DISCRETIONARY OR IN-KIND RESERVE FUNDS

16 ITEMS SCHEDULED FOR THURSDAY

16A SPECIAL PRESENTATIONS (Scheduled for 8:00 am)

16A1

092319 Service Awards

ANGEL PETISCO - ETSD - 30 YEARS
FERNANDO B. URRUTIA - GSA - 35 YEARS
TERRY J. BRITT - MDT - 30 YEARS
EDWIN GALARZA - MDT - 35 YEARS
ALYCE M. ROBERTSON - CEO - 30 YEARS
MICHAEL J. WHITLING - PWD - 40 YEARS
MONTY K. BARRETT - WASD- 30 YEARS
GARY L. COOPER - WASD - 35 YEARS

Presented

16B ZONING AGENDA (Scheduled for 9:30 a. m.)

NON AGENDA REPORTS

1

092163

Resolution

Budget, Planning and
Sustainability Committee

RESOLUTION REJECTING COUNTY MANAGER'S
RECOMMENDATIONS FOR NEW COUNTY BOND COUNSEL
POOL, AUTHORITY BOND COUNSEL POOL AND
DISCLOSURE COUNSEL POOL; AND APPROVING
EXTENSION OF CURRENT COUNTY BOND COUNSEL
POOL, AUTHORITY BOND COUNSEL POOL AND
DISCLOSURE COUNSEL POOL FOR PERIOD OF TWELVE
MONTHS [SEE ORIGINAL ITEM UNDER FILE NO. 091407]

*No Action Taken**Mover: Joe A. Martinez**Seconder: Dennis C. Moss*

Report: *It was moved by Commissioner Diaz that Item 14A60, adopted at the July 23, 2009 County Commissioners meeting, and assigned R-1059-09, be reconsidered. This motion was seconded by Chairman Moss.*

Commissioner Diaz read the resolution for reconsideration into the record.

Commissioner Heyman suggested that the Commission continue with today's agenda, until she was provided with the specifics of this item, including the action and votes taken.

Commissioner Sosa requested that in the future, Commission members distribute copies of any item that they were recommending for reconsideration. She asked that further consideration of Item 14A60 be delayed until copies were obtained.

Commissioner Diaz agreed that it would be appropriate to reconsider this item later in the meeting after Commission members received copies.

County Attorney Robert Cuevas responded to Commissioner Seijas' request to be advised of the consequences of reconsidering this item. He said that a decision was made at the previous Board meeting to reject the County Manager's recommendation and to extend the existing bond counsel pool for twelve (12) months. County Attorney Cuevas noted that the Commission's available options were to accept the County Manager's recommendation or take other action as deemed appropriate. He confirmed that a vote on the motion to reconsider this item was pending and that a recommendation had been made to defer the vote until later in the meeting.

Commissioner Martinez noted that once a motion and second was made on an item, a vote must be taken prior to consideration of another Agenda Item unless the motion was withdrawn.

County Attorney Cuevas advised that the rule was silent in terms of when the vote must be taken on a motion for reconsideration in the course of the next regularly scheduled meeting. He also advised that only one motion could be made to reconsider an item and that the Commission would need to resolve the motion on this item today.

Chairman Moss said that action on Agenda Item 14A60 would be deferred until later in the meeting.

Upon adjournment of the meeting, no further action had been taken by the Board in connection with the foregoing resolution.

FINAL OFFICIAL

Board of County Commissioners

Meeting Minutes

Tuesday, September 1, 2009

- 7/14/2009 Forwarded to the BCC by the BCC Chairperson with favorable recommendation with committee amendments from the Budget, Planning and Sustainability Committee
- 7/21/2009 Carried over by the Board of County Commissioners
- 7/23/2009 Adopted by the Board of County Commissioners

2

100216 Resolution

US CENSUS COMPLETE COUNT COMMITTEE

Presented

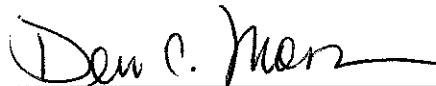
Report: Commissioner Seijas noted she was providing the County Manager with a memorandum that indicated her office had recently communicated with the US Census Department. She noted the federal government was concerned by Miami-Dade County's lack of official engagement, and recommended the County establish a Complete Count Committee; allocate funds in its FY 2009-10 Budget; and dedicate support for this effort. Commissioner Seijas said that the County needed to be prepared for the census in order to receive appropriate funding for future programs based upon an accurate headcount.

Commissioner Rolle concurred with Commissioner Seijas comments and noted he had already forwarded a request to the County Attorney to develop the appropriate legislation.

19

ADJOURNMENT

Report: There being no further business to come before the Board, the meeting was adjourned at 6:00 p.m.



Dennis C. Moss, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: Diane Collins, Acting, Deputy Clerk